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No. 153

House of Representatives

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Ms. RICHARDSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 29, 2010.

I hereby appoint the Honorable LAURA RICHARDSON to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: All the ages, all the years and seasons of life are but an eternal moment before You, Almighty God.

Grateful for all the blessings You have showered upon this country in the past, we turn to You again in our present difficulties.

May this Congress accomplish the tasks set before it and act in accord with Your commands.

Help all Americans seize each new day and make the most of it with Your grace and inspiration and so give You glory by the way they live and the decisions they make both now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Jersey (Mr.

PALLONE) come forward and lead the House in the Pledge of Allegiance.

Mr. PALLONE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 19, 2010.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 19, 2010 at 9:33 a.m.:

That the Senate passed S. 1609.
That the Senate passed with amendments H.R. 5712.

That the Senate agreed to S. Con. Res. 75.
That the Senate agreed to S. Con. Res. 76.
That the Senate agreed to H. Con. Res. 332.
With best wishes, I am

Sincerely,
LORRAINE C. MILLER.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 22, 2010.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representa-

tives, the Clerk received the following message from the Secretary of the Senate on November 22, 2010 at 2:53 p.m.:

That the Senate passed with amendments H.R. 4783.

That the Senate concurs in House amendment to Senate amendment H.R. 5566.

That the Senate concurs in House amendments S. 3689.

That the Senate passed S. 3650.

That the Senate passed with amendment H.R. 6198.

That the Senate agreed to without amendment H. Con. Res. 327.

With best wishes, I am

Sincerely,
LORRAINE C. MILLER.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bills and joint resolution were signed by the Speaker on Thursday, November 18, 2010:

S. 1376, to restore immunization and sibling age exemptions for children adopted by United States citizens under the Hague Convention on Intercountry Adoption to allow their admission into the United States;

S. 3567, to designate the facility of the United States Postal Service located at 100 Broadway in Lynbrook, New York, as the "Navy Corpsman Jeffrey L. Wiener Post Office Building";

S.J. Res. 40, appointing the day for the convening of the first session of the One Hundred Twelfth Congress;

and the Speaker signed on Friday, November 19, 2010:

H.R. 1722, to require the head of each executive agency to establish and implement a policy under which employees shall be authorized to telework, and for other purposes;

S. 3774, to extend the deadline for Social Services Block Grant expenditures of supplemental funds appropriated following disasters occurring in 2008.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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H7617

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 24, 2010.

Hon. NANCY PELOSI,
Speaker of the House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: I hereby give notice of my resignation from the United States House of Representatives, effective 4:00 p.m., Eastern Standard Time, Monday, November 29, 2010. Attached is the letter I submitted to Governor Pat Quinn.

Serving the 10th District of Illinois has been one of the greatest honors of my life. We saved a veterans hospital, expanded commuter rail and defended Lake Michigan. We fought for our district, state, nation and our allies overseas.

I look forward to continuing our important work in the United States Senate.

Sincerely,

MARK KIRK,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, November 24, 2010.

Hon. PAT QUINN,
Governor, State of Illinois, State House, Springfield, IL.

DEAR GOVERNOR QUINN: I hereby submit my resignation as United States Representative of the 10th District of Illinois, effective 4:00 p.m., Eastern Standard Time, Monday, November 29, 2010.

Serving the 10th District of Illinois has been one of the greatest honors of my life. We saved a veterans hospital, expanded commuter rail and defended Lake Michigan. We fought for our district, state, nation and our allies overseas.

I look forward to working with you as a United States Senator to promote bipartisan pro-Illinois policies to strengthen our economy and improve our quality of life.

Sincerely,

MARK KIRK,
Member of Congress.

BLUE RIBBON COMMISSION

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, the Blue Ribbon Commission on America's Nuclear Future is set to visit South Carolina and the Central Savannah River Area, CSRA, on January 6 and 7. Back in July, I invited the cochairmen of the commission to request that they hold their September meeting in the CSRA.

I'm grateful that the commission is planning a visit. This is a perfect location for the President's nuclear commission to review policies related to the storage of nuclear waste.

Waste material found in South Carolina is from the weapons production program of the Cold War resulting in victory over communism and also now from commercial nuclear reactors that produce energy. The Savannah River site should not indefinitely host nuclear waste. We should keep Yucca Mountain open. The closing has been criticized as breathtakingly irrespon-

sible by The Post and Courier. The Greenville News editorialized last week that the Yucca closing is politically expedient but practically foolish.

Nuclear energy is a clean, safe, and cost-effective energy source that has provided over half of the electricity in South Carolina for 30 years. But in order to keep it safe, we must have a permanent site for disposal.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

PLEDGE TO AMERICA

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, when I first ran for public office in 1994, I said then that we have too much government. We still have too much government. In fact, we have way more government than we had then, and it is too much. But Republicans have been listening to the American people who agree with us that we have too much government, and we have made a Pledge to America to reduce the role of the Federal Government in our lives.

We invite you to look at the Pledge to America that Republicans took last fall. We believe it has had a major impact on the election that was held in November. What we promise is that we are going to fulfill that pledge and reduce the role of the Federal Government in our lives and take our country back to what it was meant to be.

□ 1410

HOURLY MEETING ON TOMORROW

Mr. PALLONE. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:30 a.m. tomorrow for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6 p.m. today.

THE PHYSICIAN PAYMENT AND THERAPY RELIEF ACT OF 2010

Mr. PALLONE. Madam Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 5712) to provide for certain clarifications and extensions under Medicare, Medicaid, and the Children's Health Insurance Program.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "The Physician Payment and Therapy Relief Act of 2010".

SEC. 2. PHYSICIAN PAYMENT UPDATE.

Section 1848(d)(11) of the Social Security Act (42 U.S.C. 1395w-4(d)(11)) is amended—

(1) in the heading, by striking "NOVEMBER" and inserting "DECEMBER";

(2) in subparagraph (A), by striking "November 30" and inserting "December 31"; and

(3) in subparagraph (B)—

(A) in the heading, by striking "REMAINING PORTION OF 2010" and inserting "2011"; and

(B) by striking "the period beginning on December 1, 2010, and ending on December 31, 2010, and for".

SEC. 3. TREATMENT OF MULTIPLE SERVICE PAYMENT POLICIES FOR THERAPY SERVICES.

(a) SMALLER PAYMENT DISCOUNT FOR CERTAIN MULTIPLE THERAPY SERVICES.—Section 1848(b) of the Social Security Act (42 U.S.C. 1395w-4(b)) is amended by adding at the end the following new paragraph:

"(7) ADJUSTMENT IN DISCOUNT FOR CERTAIN MULTIPLE THERAPY SERVICES.—In the case of therapy services furnished on or after January 1, 2011, and for which payment is made under fee schedules established under this section, instead of the 25 percent multiple procedure payment reduction specified in the final rule published by the Secretary in the Federal Register on November 29, 2010, the reduction percentage shall be 20 percent."

(b) EXEMPTION OF PAYMENT REDUCTION FROM BUDGET-NEUTRALITY.—Section 1848(c)(2)(B)(v) of the Social Security Act (42 U.S.C. 1395w-4(c)(2)(B)(v)) is amended by adding at the end the following new subclause:

"(VII) REDUCED EXPENDITURES FOR MULTIPLE THERAPY SERVICES.—Effective for fee schedules established beginning with 2011, reduced expenditures attributable to the multiple procedure payment reduction for therapy services (as described in subsection (b)(7))."

SEC. 4. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Amend the title so as to read: "An Act Entitled The Physician Payment and Therapy Relief Act of 2010."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Oregon (Mr. WALDEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on concurring in the Senate amendments to H.R. 5712.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this bill is a stopgap measure to guarantee that seniors and military families can continue to see their doctors during December while we work on a solution for the next year. Without this legislation, the fees Medicare pays to physicians will be reduced by 23 percent on December 1, this Wednesday. And because TRICARE, the civilian health program for military families and retirees, uses Medicare rates, fees for physicians seeing TRICARE patients would be cut by 23 percent as well.

Madam Speaker, I have to say that kind of cut is obviously not reasonable. We have a responsibility to ensure that Medicare is a steady partner for physicians so that we are able to maintain the kind of excellent access to care that seniors and people with disabilities have come to expect from the program. Medicare enrollees still enjoy better access to care than anyone else in the country. The rate cuts created by the SGR would undermine that trust that seniors and physicians have historically had in the program.

The 111th Congress has passed into law three SGR extensions of less than a year, and this will be the fourth. I think we need to stop legislating SGR policy in 1 to 6 month intervals in order to provide some stability to the Medicare program for 2011. And I hope that before the 111th Congress adjourns, we can pass legislation addressing all of 2011 at a minimum.

I continue to be frustrated that we are unable to move beyond short-term fixes to this major problem facing the Medicare program. The House passed legislation in 2009 that I co-sponsored that would have dealt with this SGR problem for good; but until we have that long-term solution in hand, it is essential that Congress pass this legislation to ensure that seniors and military families do not experience a disruption in seeing their doctors this December.

This legislation, Madam Speaker, is completely paid for over 10 years. According to the rules of the statutory PAYGO law, we aren't supposed to pay for SGR bills; but this one is paid for despite that. It moved through the Senate by unanimous consent.

And so, Madam Speaker, there is no conceivable reason in my opinion to oppose this legislation. I would urge Members to vote "yes" on this bill and help me pursue a longer solution before Congress finishes business for this year.

I reserve the balance of my time.

Mr. WALDEN. Madam Speaker, I rise today in support of the Physician Payment and Therapy Relief Act.

On Wednesday, doctors who participate in Medicare will face a 21 percent cut in their reimbursement rates. It is unfortunate that we are again debating only a short-term solution to this problem. Thirty-day patches and 60-day

fixes do not provide the certainty necessary for physicians to properly run their practices. Yet, inaction today would disrupt the Medicare system and jeopardize seniors' access to care just as the holidays are approaching.

We should pass H.R. 5712, but we must begin working on a long-term, financially viable solution to fix the manner in which physicians are reimbursed under Medicare. The first step must be to repeal the new health care law. The health law cut over \$500 billion from Medicare to expand Medicaid and create a new entitlement program, while completely ignoring the looming payment crisis that we must act on with this legislation today. Unfortunately, I think for the last 4 years there has not been a single hearing held on this particular issue. That is long overdue to be done.

So while the majority scrambles today to find money to fix the Medicare reimbursement system, we should remember that they deliberately chose not to do this with their disastrous health care law. They needed the law to appear less expensive, and the Medicare doc fix was simply ignored.

I support H.R. 5712 to provide a temporary reprieve from the reimbursement cut scheduled to take effect Wednesday; however, we must find a solution to the pending 26 percent cut scheduled to take effect now in January. And we have to work together to develop a longer term solution that does bring stability to the Medicare program.

Madam Speaker, I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

(Ms. JACKSON LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON LEE of Texas. Madam Speaker, I thank Mr. PALLONE for his constant leadership on health care matters, and the Energy Committee and its full complement of members, as well as Mr. STARK for his continued strength on the issues of providing fairness and balance in the health care system of America. To the managers, my colleagues on the other side of the aisle, I appreciate the recognition that we have a bipartisan crisis and that we all have to address the pending concern of a potential cut as we move forward into 2011. But during the Thanksgiving holiday as I was in my district, I saw a table of doctors in a restaurant who felt compelled to come and ask me to support what is called the doctor fix, the Medicare fix. I had to assure them that Members of Congress were equally concerned about the providers of health care, the implementers of good health for America having to face this kind of dastardly crisis.

In the State of Texas it is crucial, a State that has the highest number of uninsured and a rising number of impoverished who do not have access to health care, this kind of disaster would

be more than a hurricane. And so I rise today to support this legislation to acknowledge the fact that doctors and Medicare go together and they equal good health for our constituents.

Seniors have to go to doctors and expect good health care. Doctors are in fact those who take the oath to ensure that they care for the sick and the feeble. The Houston Chronicle reported that more than 300 Texas doctors have dropped the Medicare program in the last 2 years, 50 in the first 3 months of 2010, because of this crisis. Many people think of doctors as rich and able; but many of our doctors are in rural areas and inner city areas and their goal is to serve patients who are in need, many without any other means other than Medicare and Medicaid. According to Dr. Susan Bailey, president of the Texas Medical Association, the Medicare system has to be fixed and action must be taken to ensure that Medicare payments to physicians are not drastically cut. It is a shame to say, doctors have overhead, they have offices, they have nurses, they have equipment that they have to pay for, and that is part of good health care. And so I think it is important that we look at this legislation as it comes to us, and that the final physician rule, the Centers for Medicare and Medicaid Services, modify the MPPR policy to apply a 25 percent reduction rather than the proposed 50 percent reduction to physician Medicare payments. However, I think the reduction in itself is an oxymoron because the question is what are the needs of the patients and how can the doctors care for them and how do we ensure that doctors and Medicare work together to make sure that good health is promoted across America.

□ 1420

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. PALLONE. I yield the gentlewoman another 30 seconds.

Ms. JACKSON LEE of Texas. While that reduction shows movement in the right direction, any reduction will hinder the ability of doctors to effectively treat patients who need their care and who are the most vulnerable—pregnant women, children, the elderly and, of course, the feeble, who are suffering from preexisting diseases or chronic illnesses. So it is important that H.R. 5712, the Physician Payment and Therapy Relief Act of 2010, is passed.

What I would ask, Madam Speaker, is: Who are we if we cannot take care of the least of those?

I don't consider doctors wanting more than they deserve. I consider doctors getting what they deserve to help care for the sick of this Nation. I hope that we will have a bill that the President can sign and that we will be able to address the question of good health care in America.

Madam Speaker, I rise today in support of the amendment to H.R. 5712, "The Physician Payment and Therapy Relief Act of 2010."

Under the current health care law, more than 32 million additional Americans are expected to get insurance, either through an extension of Medicaid, the state-federal program for the poor, or through exchanges where low- and moderate-income individuals and families will be able to purchase private insurance with federal subsidies. The measure will require most Americans to have health insurance coverage; and it will regulate private insurers more closely, banning practices such as denial of care for pre-existing conditions. A key part of the new health law also encourages the development of "accountable care organizations" that would allow doctors to team up with each other and with hospitals, in new ways, to provide medical services. There are some very good provisions that seek to ultimately benefit the public.

Today, however, increasing numbers of doctors are not accepting Medicare patients because the payments they are receiving are inadequate to cover basic expenses of administering care. In fact the Houston Chronicle reported that more than 300 Texas doctors have dropped the program in the last two years, including 50 in the first three months of 2010. According to Dr. Susan Bailey, president of the Texas Medical Association, the Medicare system is on the verge of imploding unless action is taken by Congress to ensure that Medicare payments to physicians are not cut drastically.

Madam Speaker, I urge my colleagues to support not only H.R. 5712 but also the overall health of many struggling Americans. I am an avid supporter of health care reform and I stand today in steadfast support of providing affordable health care for all Americans. However, if doctors are unwilling to accept patients with Medicare because they fear they will not receive payment for their services we face a serious dilemma. It is our duty as legislators to provide such payment guidelines for the legislation intended to provide affordable quality health care for all Americans to ensure that it achieves its purpose.

In the final physician rule, Centers for Medicare and Medicaid Services modified the MPPR policy to apply a 25 percent reduction, rather than the proposed 50 percent reduction to physicians Medicare payments. While that reduction shows movement in the right direction, any reduction will hinder doctors' ability to effectively treat patients who need their care the most like children and the elderly.

I ask my colleagues to please join me in supporting H.R. 5712, the Physician Payment and Therapy Relief Act of 2010.

The SPEAKER pro tempore. Without objection, the gentleman from California (Mr. HERGER) will control the time.

There was no objection.

Mr. HERGER. I yield myself such time as I may consume.

Madam Speaker, for the fifth time in the last year, Democrats' ability to properly manage the Medicare program is causing medical doctors to confront a looming massive cut in their Medicare reimbursement rates. In fact, when the cut went into effect in June, Medicare held physicians' payments for weeks, and it ultimately was forced to pay claims that cut physicians' rates by 21 percent, only to later send additional payments once the majority

congressional Democrats decided to pass another patch. In practical terms, this meant for weeks doctors and other providers saw no or greatly reduced Medicare payments, but yet they still had to pay their rents, payrolls, and other overhead expenses.

Madam Speaker, this is unacceptable and irresponsible. As a result of the Democrats' failure to address this issue in a timely manner, tens of millions of taxpayer dollars were wasted to reprocess physicians' claims and to send new checks to doctors all because the majority party could not finish its work on time.

Physician practices, like most small businesses, are hurt by this dereliction of duty. In a letter signed by 117 physician specialty and State medical societies, physicians detailed how many practices were forced to seek loans to make payroll expenses, to lay off staff or to cancel capital improvements and investments in electronic health records and other technology. Furthermore, when payments resumed, many physicians experienced long delays in receiving the retroactive adjustments. The physician group letter states, "This is not the way to manage a program that seniors and the disabled rely on."

The legislation before us provides for a 1-month postponement of the 23-percent cut; but in 1 month, the cuts return, this time even deeper, with payment cliffs expected to reach nearly 25 percent on January 1.

Madam Speaker, the Democrats' practice of missing deadlines, of withholding payments and reprocessing Medicare claims is no way to run the program. Furthermore, the Democrats' new health law cuts more than one half trillion dollars from Medicare but spends nothing on fixing the physician payment problem. It is one of the many reasons we should replace that flawed legislation with reform Americans can afford and that we should address a true long-term fix for our doctors and seniors. A Republican House will run this program differently.

We cannot miss deadlines. We must ensure doctors get paid on time for the services they provide. We cannot string them along not knowing from one month to the next what they will be getting paid by Medicare. As doctors are making decisions about whether or not to participate in Medicare next year, I want them to know that a Republican House will not leave them twisting in the wind as they have been this past year.

Madam Speaker, I reserve the balance of my time.

Mr. PALLONE. I yield myself such time as I may consume.

You know, Madam Speaker, I was very upset to hear the gentleman from California because I thought, for once—and it's very rare around here—as I heard the gentleman from Oregon suggest that he was supporting this bill, that we finally had some bipartisan support and some Republican support

for the SGR doctors' fix; but now I listen to the gentleman from California, and he starts suggesting that somehow the Democrats are to blame. Well, let me suggest that the opposite is true.

Back in November of 2009, about a year ago, the Democrats in this House passed a permanent fix. We wouldn't be here today if that legislation had been supported by the Republicans. To his credit, only one Republican—Dr. BURNESS, who is a member of my Health Subcommittee—did, in fact, support it, but he was the only one. It is the Republicans' fault that we are constantly dealing with these short-term fixes, because they don't want to take care of the doctors. They don't want to resolve this, and they refused to come to the table and resolve it with us while we were in the majority.

I don't want to go into it too much today because I know there is support on the Republican side of the aisle for this 60-day fix, until December 30; but in talking about the Democrats when the Republicans are the reason we are here today because they would not support the permanent fix and make it so that we didn't have to constantly go back to the table, I think it is totally inappropriate for the gentleman of California to lay blame when, in fact, it is his own party that is to blame.

I reserve the balance of my time.

Mr. HERGER. Madam Speaker, I would like to mention to my friend, the gentleman from New Jersey, that the legislation he speaks of, which they offered, had a \$200 billion, non-paid-for bill on that. We have to begin living within our means, and through our legislation that we will be offering, we will be working to do that.

I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I ask unanimous consent that the balance of my time on the majority side be controlled by Representative STARK of the Committee on Ways and Means.

The SPEAKER pro tempore. Without objection, the gentleman from California will control the time.

There was no objection.

Mr. STARK. Madam Speaker, I yield myself such time as I may consume.

Before I start, I just want to comment that my distinguished colleague from northern California, on the other side of the aisle, can be so mean and so tough but, Madam Speaker, in a very gentle, pleasant way. I do so look forward to working with him in the next Congress to see how he is going to slap me around as we proceed to try and keep physicians paid and to keep Medicare the great program that it is.

I rise in support of H.R. 5712. The legislation as we know, Madam Speaker, provides for a 1-month extension. By extending current law in this manner, we put SGR reform on the same timetable as other Medicare provisions we need to renew before the end of the calendar year. Without this bill, as we have heard from doctors and other health providers, they will see their Medicare payments cut by 21 to 23 percent, and that is not acceptable.

□ 1430

It's a bad outcome for physicians, for patients, for the government. The only other solution would be for the Medicare agency to hold payments until longer-term SGR reform legislation is enacted in December, and that really plays hard with their practices. It is difficult for them to plan, to pay their employees, pay their rent, and know that payments will be postponed for 1 month.

So I join with my distinguished colleague across the aisle in supporting H.R. 5712 and asking my colleagues to support it this morning.

Mr. DINGELL. Madam Speaker, I rise today to acknowledge my support of the one month patch to the Sustainable Growth Rate, but to state once again, that we cannot continue to kick this can down the road. I continue to support a permanent fix to the flawed SGR formula, like the one we passed in the House of Representatives last year. I also want to express my continued frustration that the Republicans in the United States Senate thwarted them from following the House's lead on this sound policy.

It is necessary that we pass this one-month extension today, but it is far from sufficient. Two weeks ago, I introduced H.R. 6427, the "Medicare Physician Payment Update Extension Act." This legislation will extend the current physician Medicare reimbursements for 13 additional months. I believe this longer extension will give our seniors and physicians the peace of mind they need while Congress works on a permanent solution to this longstanding problem.

Tonight we will pass a one-month extension to ensure that seniors have access to the same doctors they do today, and so doctors will be fairly reimbursed for their services over the next month. However, when we come together to address this problem again in 30 days, I urge my colleagues to pass a permanent solution, or at minimum, pass a year long extension so that we can ensure some stability to the Medicare program.

Mr. CONYERS. Madam Speaker, I rise today in strong support of H.R. 5712, "The Physician Payment and Therapy Relief Act of 2010." One of the most important priorities of Congress, regardless of our current economic downturn, is the financial well-being of our Nation's hospitals, and the ability of patients to have access to medically necessary care when they need it.

Passage of H.R. 5712 accomplishes both goals by blocking the 23 percent cut in Medicare payments to doctors, for one month, while Congress and the Obama Administration work together to put together a permanent fix to ensure the optimal Medicare reimbursement rate to doctors and hospitals.

In order to have world class hospitals in the United States, we must have the needed funding to ensure that our Nation's hospitals can provide the highest quality care possible. Passage of H.R. 5712 will help strengthen our Nation's hospitals, especially those located in our inner cities and rural areas. Many of these hospitals are experiencing serious funding shortages, and are at risk of losing much needed doctors and medical staff.

H.R. 5712 is a bipartisan bill that costs one billion dollars, and is fully paid for. This legislation helps to protect access to doctors for

Medicare beneficiaries and military families, given that payment rates for doctors in TRICARE, the health care program for active-duty service members, National Guard and Reserve members, military retirees, and their families are tied to Medicare rates.

H.R. 5712 is a good example of how Members of Congress working together in a spirit of bipartisan unity can improve the health and well being of all Americans. I encourage my colleagues to support the bill.

Mr. VAN HOLLEN. Madam Speaker, I rise in support of legislation that would avert a 23 percent payment cut for Medicare physicians and continue to provide them with a 2.2 percent update through December 31, 2010.

While I would like to see a permanent, long-term solution to the flawed Medicare physician payment formula, this stop-gap legislation is necessary so that Medicare beneficiaries can continue to see their doctor of choice and have access to the care they need. However, a long-term solution to this problem is needed to provide stability for physicians who provide services under Medicare so that their practices can adequately plan for the expenses they incur for treating Medicare beneficiaries. In fact, the House passed legislation this Congress that would have permanently fixed the Medicare physician payment formula. Unfortunately, it was blocked in the Senate.

Madam Speaker, I hope our Republican colleagues will join us in finding a long-term solution to this problem. I urge my colleagues to support this legislation.

Mr. STARK. Madam Speaker, I yield back the balance of my time.

Mr. HERGER. Madam Speaker, while I intend to support this bill and urge its passage, our work does not end here. We must find a long-term, stable and fiscally responsible solution to this problem.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 5712.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

LANCE CORPORAL ALEXANDER SCOTT ARREDONDO, UNITED STATES MARINE CORPS POST OFFICE BUILDING

Mr. CLAY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5877) to designate the facility of the United States Postal Service located at 655 Centre Street in Jamaica Plain, Massachusetts, as the "Lance Corporal Alexander Scott Arredondo, United States Marine Corps Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5877

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LANCE CORPORAL ALEXANDER SCOTT ARREDONDO, UNITED STATES MARINE CORPS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 655 Centre Street in Jamaica Plain, Massachusetts, shall be known and designated as the "Lance Corporal Alexander Scott Arredondo, United States Marine Corps Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Lance Corporal Alexander Scott Arredondo, United States Marine Corps Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Virginia (Mr. WOLF) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, on behalf of the Committee on Oversight and Government Reform, I am pleased to present H.R. 5877, legislation that designates the U.S. Postal Service facility located at 655 Centre Street in Jamaica Plain, Massachusetts, as the "Lance Corporal Alexander Scott Arredondo, United States Marine Corps Post Office Building."

Introduced by our colleague, the gentleman from Massachusetts, Representative MICHAEL CAPUANO, on July 27, 2010, H.R. 5877 enjoys the support of Massachusetts' entire delegation to the House.

Madam Speaker, Lance Corporal Arredondo of Randolph, Massachusetts, was the 968th U.S. military fatality of Operation Iraqi Freedom. An avid martial arts enthusiast, he studied at the New England Academy of Martial Arts in Randolph, where he also taught courses to young students.

He was assigned to Battalion Landing Team 1/4, 11th Marine Expeditionary Unit, I Marine Expeditionary Force, out of Marine Corps Base Camp Pendleton. Sadly, on August 25, 2004, Lance Corporal Arredondo was killed by a sniper in Najaf. He was 20 years old.

In closing, let us pay tribute to the life and service of Lance Corporal Alexander Scott Arredondo by naming the Jamaica Plain Post Office Building in his honor. I urge my colleagues to join me in supporting H.R. 5877.

Madam Speaker, I reserve the balance of my time.

Mr. WOLF. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 5877, to designate the facility of the United

States Postal Service located at 655 Centre Street in Jamaica Plain, Massachusetts, as the "Lance Corporal Alexander Scott Arredondo, United States Marine Corps Post Office Building."

Madam Speaker, it is altogether fitting and proper that we name this post office in Jamaica Plain for a true American hero who made the ultimate sacrifice for our country.

Born August 5, 1984, Alexander Scott Arredondo graduated from Blue Hills Regional Technical School in Canton, Massachusetts, in the year 2002. He joined the Marine Corps and was assigned to the 1 Marine Expeditionary Force based out of Camp Pendleton, California. He was deployed to Iraq and served his first tour of duty in 2003, which lasted 9 months. In June, 2004, Lance Corporal Arredondo was deployed back to Iraq. Sadly, Madam Speaker, Lance Corporal Arredondo died in Najaf, Iraq, defending freedom and protecting our Nation.

At only 20 years old, Lance Corporal Arredondo was on his second tour of duty supporting Operation Iraqi Freedom, proving this young man's bravery, courage, and dedication. He is truly an American hero, and I urge all Members to join us in support of this bill.

Madam Speaker, I reserve the balance of my time.

Mr. CLAY. Madam Speaker, I yield 5 minutes to the chief sponsor of the legislation, the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. I thank the gentleman for yielding. I also want to thank the committee for putting this bill out.

Lance Corporal Arredondo was a recipient of the Navy Cross with combat V and a Purple Heart. He was nominated for the Bronze Star, and he gave his life for this country on August 25, 2004. As you heard, he was on his second tour of duty in Iraq.

I just want to read a paragraph that was written about one of his actions, his last action, by a lieutenant general that I think sums up what his own colleagues, his other Marines, thought of him.

"On August 25, 2004, Lance Corporal Arredondo gallantly performed the duties of a fire team leader while fighting enemy forces in the old city of Najaf. While moving with his squad to attack and clear a two-story building, the platoon became heavily engaged at close ranges by enemy small arms, machine gun, and RPG fire. He never hesitated as he led his Marines under intense fire through the building, personally clearing rooms and assuming the greatest risk as grenade explosions raised an impenetrable cloud of dust and dirt in each room.

"Lance Corporal Arredondo led his Marines clearing the objective in a superb manner, never slowing down and never showing any fear. After the exhausting attack, when the platoon had gained control of the building, Lance Corporal Arredondo personally em-

placed his marines in an exemplary manner while setting up a defense and preparing for further engagements with the enemy.

"After his fire team was set in defense, Lance Corporal Arredondo was shot and mortally wounded by a sniper as he walked the line checking his marines. Lance Corporal Arredondo fought alongside his fellow marines and displayed the highest levels of courage and selflessness during the three weeks of fighting in Najaf. He gave his life fighting for freedom and defending his fellow marines."

That was not written by me or my staff. That was written by his commander. I think that that alone, that one paragraph, clearly underscores exactly what kind of a person Lance Corporal Arredondo was. For a man to give his life at such a young and tender age is an incredible thing, and I am proud—and I want to be very clear, this is the first time I have been here on something like this. I don't take this lightly at all this. This is not just naming another thing after another person. This particular one is very important to me, to my constituents, and to his family because of the service he rendered for this country, because of the fact that he gave his life fighting for our freedom and our rights. I just want to say thank you to the committee again for bringing this bill to the floor, and thank you to the people who have supported this bill.

□ 1440

Mr. WOLF. Madam Speaker, I yield back the balance of my time.

Mr. CLAY. Madam Speaker, I again urge my colleagues to join me in supporting this measure.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 5877.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CLAY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

NATIONAL MESOTHELIOMA AWARENESS DAY

Mr. CLAY. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 771) supporting the goals and ideals of a National Mesothelioma Awareness Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 771

Whereas mesothelioma is a terminal, asbestos-related cancer that affects the linings of the lungs, abdomen, heart, or testicles;

Whereas workers exposed on a daily basis over a long period of time are most at risk, but even short-term exposures can cause the disease and an exposure to asbestos for as little as one month can result in mesothelioma 20–50 years later;

Whereas asbestos was used in the construction of virtually all office buildings, public schools, and homes built before 1975 and asbestos is still on the United States market in over 3,000 products;

Whereas there is no known safe level of exposure to asbestos;

Whereas millions of workers in the United States have been, and continue to be, exposed to dangerous levels of asbestos;

Whereas the National Institutes of Health reported to Congress in 2006 that mesothelioma is a difficult disease to detect, diagnose, and treat;

Whereas the National Cancer Institute recognizes a clear need for new agents to improve the outlook for patients with mesothelioma and other asbestos-related diseases;

Whereas for decades, the need to develop treatments for mesothelioma was overlooked and today, even the best available treatments usually have only a very limited effect and the expected survival time of those diagnosed with the disease is between 8 and 14 months;

Whereas mesothelioma has claimed the lives of such heroes and public servants as Admiral Elmo Zumwalt, Jr., and Congressman Bruce F. Vento, and a high percentage of today's mesothelioma victims were exposed to asbestos while serving in the United States Navy;

Whereas it is believed that many of the firefighters, police officers, and rescue workers from Ground Zero on September 11, 2001, may be at increased risk of contracting mesothelioma in the future;

Whereas the establishment of a National Mesothelioma Awareness Day would raise public awareness of the disease and of the need to develop treatments and enhance public awareness for it; and

Whereas cities and localities across the country are recognizing September 26 as Mesothelioma Awareness Day: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Mesothelioma Awareness Day; and

(2) urges the President to issue a proclamation calling on the people of the United States, Federal departments and agencies, States, localities, organizations, and media to annually observe a National Mesothelioma Awareness day with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Virginia (Mr. WOLF) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. I yield myself such time as I may consume.

I rise in support of House Resolution 771, a bill supporting the goals and ideals of National Mesothelioma Awareness Day. This resolution will

raise awareness of this often fatal disease. House Res. 771 was introduced by our colleague, the gentlewoman from Minnesota, Representative BETTY MCCOLLUM on September 24, 2009. It was referred to the Committee on Oversight and Government Reform which ordered it reported favorably on July 15, 2010. It comes to the floor today with the support of over 50 cosponsors.

Madam Speaker, mesothelioma is a very difficult cancer to detect, diagnose, and treat. Though relatively rare, with about 2,000 new cases diagnosed each year, those diagnosed with mesothelioma have an expected survival time of only 8 to 14 months.

Exposure to asbestos is the major risk factor for mesothelioma. A history of asbestos exposure in the workplace is reported in 70 to 80 percent of cases. Asbestos was a common building material before 1975 and is still found in over 3,000 products that are on the market today. An exposure for as little as 1 month may lead to a diagnoses of mesothelioma decades later.

Madam Speaker, mesothelioma is a serious and difficult-to-control form of cancer, and there is much work to be done to find new treatment options. Let us now show our support for the awareness of the disease and need for these treatment options through the passage of House Resolution 771. I urge my colleagues to join me in supporting it.

I reserve the balance of my time.

Mr. WOLF. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of H. Res. 771, supporting the goals and ideals of a National Mesothelioma Awareness Day. It is a terrible disease, form of cancer, debilitating ailment that is terminal. Madam Speaker, many all over the world have suffered and died from this disease, including a former Member of this body.

Bruce F. Vento, a Member who I served with for 19 years died of mesothelioma in the year 2000. He represented Minnesota's Fourth District for 12 terms until his death. I still remember the last time I spoke to Mr. Vento. He was in the back rail there close to the Democratic Cloakroom.

So I strongly support and thank the gentleman and gentlelady from Minnesota for offering this and urge all Members to support it.

I yield back the balance of my time.

Mr. CLAY. Madam Speaker, I again urge my colleagues to join me in support of this measure.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 771.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CLAY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

COLONEL GEORGE JUSKALIAN POST OFFICE BUILDING

Mr. CLAY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6392) to designate the facility of the United States Postal Service located at 5003 Westfields Boulevard in Centreville, Virginia, as the "Colonel George Juskalian Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6392

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COLONEL GEORGE JUSKALIAN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 5003 Westfields Boulevard in Centreville, Virginia, shall be known and designated as the "Colonel George Juskalian Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Colonel George Juskalian Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Virginia (Mr. WOLF) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. I yield myself such time as I may consume.

Madam Speaker, on behalf of the Committee on Oversight and Government Reform, I am pleased to present H.R. 6392, legislation that designates the U.S. Postal Service facility located at 5003 Westfield Boulevard in Centreville, Virginia, as the "Colonel George Juskalian Post Office Building." Introduced by our colleague, the gentleman from Virginia, Representative FRANK WOLF, on September 29, 2010, H.R. 6392 enjoys the support of Virginia's entire delegation to the House.

Colonel Juskalian served with high distinction in the U.S. Army for nearly 30 years, which included service in World War II, Korea, and Vietnam. Colonel Juskalian survived the hardships of being a German prisoner of war, enduring nearly 3 years in Nazi POW camps. For his bravery and heroism throughout this ordeal and his later service in Korea and Vietnam,

Colonel Juskalian earned two Silver Stars and four Bronze Stars for actions in combat.

After leaving the military, Colonel Juskalian continued to serve his Virginia community until his death at the age of 96. As a retired veteran, Colonel Juskalian volunteered to help mentor and educate youth throughout the Fairfax County, Virginia, school district.

In closing, Madam Speaker, let us now pay tribute to Colonel Juskalian's outstanding service and legacy to our country and to his community through the passage of H.R. 6392 and designate the Centreville, Virginia, postal facility on Westfields Boulevard in his honor, a true American hero. I urge my colleagues to join me in supporting H.R. 6392.

I reserve the balance of my time.

Mr. WOLF. I yield myself such time as I may consume.

I introduced this legislation to commemorate the life of my constituent, the late Army Colonel George Juskalian, by dedicating the post office of Centreville, Virginia, as the "Colonel George Juskalian Post Office Building."

The colonel was born in Fitchburg, Massachusetts. He passed away this past July 4 at the age of 96, and he served our Nation for nearly 30 years on active duty, including campaigns in World War II, Korea, and Vietnam.

□ 1450

He joined the United States Army in 1939 and was called to active duty as a first lieutenant in 1940 and served with distinction in World War II. During this time, he was captured by the Germans in Tunisia and spent 27 months in prisoner of war camps in Italy, Germany, and Poland.

Colonel Juskalian was in General Eisenhower's secretariat in the Pentagon between 1945 and 1948, and was an adviser to the Imperial Iranian Army in Tehran. He also served our Nation with distinction in France and on the home front, retiring with the rank of colonel in 1967. Awards he received include the Army's highest award, the Legion of Merit, for noncombat service, as well as the Silver Star, the Bronze Star, the Army Commendation Medal, the Air Medal, and the Parachutist Badge, and the combat Infantry Badge with a Star awarded for World War II and the Korean War.

He learned the value of community service at an early age from his parents, who were at the forefront of Armenians immigrating to this country and who worked to establish the Armenian Church in the United States.

The colonel was a longtime resident of Centreville and remained actively involved in his community until his death through organizations such as the Armenian Assembly of America, American Legion Post 1995, and the Blue and Gray Veterans of Foreign Wars Post 8469. Many knew the colonel through his volunteer work at local schools.

I want to thank each Member of the Virginia delegation as they joined with me to introduce this bill. I also want to thank the gentleman from New York (Mr. TOWNS) and the gentleman from California (Mr. ISSA) for working with me to bring this legislation to the floor for consideration.

Naming the Centreville, Virginia, post office facility after Colonel George Juskalian will be a fitting tribute to his many, many years of service, and will also serve as a constant reminder of the sacrifices made by members of the United States Armed Services.

I urge a "yes" vote.

I yield back the balance of my time.

Mr. CLAY. Madam Speaker, I urge my colleagues to support this legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 6392.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PROCESS IN THE HOUSE

Mr. BUYER. Madam Speaker, since this bill has not gone through the committee, I think we ought to just go through regular order and go to the next bill. As a matter of fact, we'll shut the book on this, Madam Speaker. What do you think?

The SPEAKER pro tempore. The gentleman will suspend.

Mr. BUYER. Suspend? I ask to be recognized.

The SPEAKER pro tempore. The gentleman has not been recognized.

Mr. BUYER. I ask to be recognized. I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. For what purpose does the gentleman seek recognition?

Mr. BUYER. I ask unanimous consent to address the House for 5 minutes.

Hearing no objection—

The SPEAKER pro tempore. Five-minute special orders are not being recognized at this time.

Mr. BUYER. I ask unanimous consent to address the House for 1 minute.

Hearing no objection—

The SPEAKER pro tempore. One-minute requests are not being entertained at this time.

Mr. BUYER. Oh. So as a sitting Member of the House, the Speaker chooses not to recognize another sitting Member. Is that correct?

The SPEAKER pro tempore. Recognition is within the discretion of the Speaker.

Mr. BUYER. So the discretion of the Speaker here is not to recognize a ranking Republican member on a bill that is about to be heard that was

never gone through the process of the committee.

I ask to be recognized.

The SPEAKER pro tempore. The House is proceeding with motions to suspend the rules.

Mr. BUYER. And if the chairman is not here to present the bill, shouldn't we go to the next bill, and we would therefore withdraw this bill?

The SPEAKER pro tempore. The gentleman will suspend. The gentleman has not been recognized.

Mr. BUYER. I ask to be recognized. I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there an objection for the gentleman to speak for 1 minute? Hearing none, the gentleman is recognized for 1 minute.

Mr. BUYER. Wow. Was treating another Member with dignity so hard, Madam Speaker? I don't believe it was. You see, you are right. It is within your sole discretion to recognize a Member. But you chose to exercise the power of the gavel, Madam Speaker. Therein lies the problem.

I am here. The chairman is not here. He wants a bill brought under suspension that was not gone through regular order of the committee over the objections of the ranking Republican. That is an abuse of the process. As a matter of fact, he wants to bring a bill under suspension and then do this sort of political treachery of doing a manager's amendment, and I object to it all. And he is not even here to do it.

So what I am asking is, Madam Speaker, for regular order. If he is not here to pull off this political stunt, then we should just proceed and this bill should be withdrawn. It is the right thing to do by the American people to stop these tactics.

I yield back the balance of my time.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 59 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1801

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CUELLAR) at 6 o'clock and 1 minute p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the resignation of the gentleman from Illinois (Mr. KIRK), the whole number of the House is 434.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order: H.R. 5877, by the yeas and nays; and H. Res. 771, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second will be conducted as a 5-minute vote.

LANCE CORPORAL ALEXANDER SCOTT ARREDONDO, UNITED STATES MARINE CORPS POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5877) to designate the facility of the United States Postal Service located at 655 Centre Street in Jamaica Plain, Massachusetts, as the "Lance Corporal Alexander Scott Arredondo, United States Marine Corps Post Office Building," on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 366, nays 0, not voting 67, as follows:

[Roll No. 581]

YEAS—366

Ackerman	Cantor	Dingell
Aderholt	Cao	Djou
Adler (NJ)	Capito	Doggett
Akin	Capps	Donnelly (IN)
Alexander	Capuano	Doyle
Altmire	Cardoza	Dreier
Andrews	Carnahan	Driehaus
Baca	Carson (IN)	Duncan
Bachmann	Carter	Edwards (MD)
Bachus	Cassidy	Ehlers
Baird	Castle	Ellison
Baldwin	Castor (FL)	Ellsworth
Barrow	Chaffetz	Emerson
Bartlett	Chandler	Engel
Barton (TX)	Chu	Eshoo
Bean	Clarke	Etheridge
Becerra	Clay	Farr
Berkley	Cleaver	Fattah
Biggert	Clyburn	Filner
Bilbray	Coble	Flake
Bilirakis	Coffman (CO)	Forbes
Bishop (NY)	Cohen	Fortenberry
Bishop (UT)	Cole	Foster
Blackburn	Conaway	Fox
Blumenauer	Connolly (VA)	Frank (MA)
Blunt	Cooper	Franks (AZ)
Bocchieri	Costa	Frelinghuysen
Bonner	Costello	Fudge
Boren	Courtney	Galleghy
Boswell	Crenshaw	Garamendi
Boucher	Critz	Garrett (NJ)
Boustany	Crowley	Giffords
Boyd	Cuellar	Gingrey (GA)
Brady (TX)	Culberson	Gohmert
Braley (IA)	Cummings	Gonzalez
Bright	Davis (CA)	Goodlatte
Broun (GA)	Davis (IL)	Gordon (TN)
Brown (SC)	Davis (KY)	Granger
Brown, Corrine	Davis (TN)	Graves (GA)
Buchanan	DeGette	Graves (MO)
Burgess	DeLauro	Grayson
Butterfield	Dent	Green, Al
Buyer	Deutch	Green, Gene
Calvert	Diaz-Balart, L.	Griffith
Camp	Diaz-Balart, M.	Guthrie
Campbell	Dicks	Hall (TX)

Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Lynch
Maffei

Maloney
Manzullo
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Nadler (NY)
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olson
Oliver
Owens
Pallone
Pascarell
Paul
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Richardson
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney

NOT VOTING—67

Arcuri
Austria
Barrett (SC)
Berman
Berry
Bishop (GA)
Boehner
Bono Mack
Boozman
Brady (PA)
Brown-Waite,
Ginny
Burton (IN)
Carney
Childers
Conyers
Dahlkemper
Davis (AL)
DeFazio

Delahunt
Edwards (TX)
Fallin
Fleming
Gerlach
Grijalva
Gutierrez
Hall (NY)
Hastings (FL)
Johnson (IL)
Kilpatrick (MI)
Linder
Lipinski
Mack
Marchant
Markey (CO)
Markey (MA)
McMahon
Mollohan

Moran (KS)
Moran (VA)
Murphy, Patrick
Myrick
Neal (MA)
Ortiz
Pastor (AZ)
Pence
Putnam
Radanovich
Reyes
Rodriguez
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Scott (VA)
Shadegg

Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Salazar
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stearns
Stupak
Stutzman
Sullivan
Sutton
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tierney
Titus
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Yarmuth
Young (FL)

Shuster
Speier
Stark
Tanner

Taylor
Tiberi
Tonko
Tsongas

Wamp
Wittman
Wu
Young (AK)

□ 1831

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NATIONAL MESOTHELIOMA AWARENESS DAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 771) supporting the goals and ideals of a National Mesothelioma Awareness Day, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 363, nays 0, not voting 70, as follows:

[Roll No. 582]

YEAS—363

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccheri
Bonner
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp
Campbell
Cao
Capito
Capps
Capuano
Cardoza
Carnahan

Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Chu
Clarke
Clay
Clever
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djout
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Ehlers
Ellison
Ellsworth
Emerson

Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Forbes
Fortenberry
Foster
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden

Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Lynch
Maffei
Maloney
Manzullo
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott

McGovern
McHenry
McIntyre
McKeon
McMorris
Rodgers
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Oliver
Owens
Pallone
Pascarell
Paul
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Richardson
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Royce

NOT VOTING—70

Arcuri
Austria
Barrett (SC)
Berman
Berry
Bishop (GA)
Boehner
Bono Mack
Boozman
Brady (PA)
Brown-Waite,
Ginny
Burton (IN)
Cantor
Carney
Childers
Conyers
Dahlkemper
Davis (AL)
DeFazio
Delahunt
Edwards (TX)
Fallin
Fleming

Gerlach
Grijalva
Gutierrez
Hall (NY)
Hastings (FL)
Johnson (IL)
Kilpatrick (MI)
Linder
Lipinski
Mack
Marchant
Markey (CO)
Markey (MA)
McMahon
McNerney
Mollohan
Moran (KS)
Moran (VA)
Murphy, Patrick
Myrick
Ortiz
Pastor (AZ)
Pence
Putnam

Radanovich
Reyes
Rodriguez
Roskam
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Scott (VA)
Serrano
Shadegg
Shuster
Speier
Stark
Tanner
Taylor
Tiberi
Tonko
Tsongas
Wamp
Wittman
Wu
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1839

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, on November 29, 2010, I regret that I was not present to vote on H.R. 5877 and H. Res. 771.

Had I been present, I would have voted "yea" on both bills.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent for votes in the House Chamber today. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall votes 581 and 582.

IMPENDING CRISIS IN HEALTH CARE SYSTEM

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Madam Speaker, I rise today to talk about an impending crisis in our health care system. If this Congress can't figure out a way to reimburse the doctors that take care of our older Americans, our fellow citizens, our mothers and fathers and grandparents that are on Medicare, this Nation is going to be in a world of hurt. It is time that we put aside petty politics, figure out how we're going to reimburse the doctors and keep the Medicare system going.

There are millions of Americans, certainly hundreds of thousands of seniors in the district that I represent, that depend on Medicare to have their health care needs met. You take away their doctors, you take away any chance they have of getting medical care.

Let's get moving on this and provide a permanent fix to reimbursing the doctors, and let's help our seniors stay on Medicare.

THE CHILDREN'S TRUST SIXTH ANNUAL CHAMPIONS FOR CHILDREN AWARD CEREMONY

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, the Children's Trust hosted its sixth annual Champions for Children awards ceremony just recently in south Florida. It honored the exceptional individuals who dedicate their time and services to the children of south Florida.

The Children's Trust is an altruistic humanitarian organization committed to the children and families of our south Florida community. It operates on a simple motto, Madam Speaker: "Because all children are our children."

It is this belief that has motivated the Children's Trust since its inception in the year 2002. It has collaborated with children and parents throughout our community in an attempt to strengthen the family bond and to help facilitate opportunities to allow the children of south Florida to achieve their full potential.

I encourage all throughout our community to take an interest in this great organization because, indeed, all children are our children.

INSULT MOSQUE

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, the people who want to build a mosque at Ground Zero now want American taxpayers to pay \$5 million to help build that mosque. Those who beg for American money to build an insult mosque on Ground Zero disrespect the 3,000 people of all faiths, nations, and religions that were murdered by a radical Islamic faction on 9/11.

Ground Zero is sacred American soil. It's where America was ambushed by killers from the sky. A taxpayer-funded mosque at the site comes across as a memorial and tribute to the radical terrorists that murdered in the name of religion. Such a plan is unwise, insensitive, and shameful.

Those who wish to build a mosque should instead build a monument and a memorial to the victims of 9/11—victims that include Christians, Jews, and Muslims. Otherwise, Ground Zero is off-limits.

And that's just the way it is.

DIABETES AWARENESS MONTH

(Mr. PAULSEN asked and was given permission to address the House for 1 minute.)

Mr. PAULSEN. Madam Speaker, I rise today to remind my colleagues that as Diabetes Awareness Month comes to a close, we must continue to work together to protect future generations from this disease.

Cases of diabetes among Americans is growing at an alarming rate. Today, nearly 24 million children and adults suffer from this disease, that's nearly one in every three Americans, and another 57 million Americans are at risk.

Madam Speaker, in addition to the alarming number of people affected by diabetes, the costs associated with this disease are far too great. The American Diabetes Association estimates that the total cost associated with diabetes care costs approximately \$174 billion annually.

With health care costs rising and the number of diagnosed diabetics at an

all-time high, we must work to prevent diabetes through education and awareness, as well as work to lower the cost of care associated with this disease.

□ 1850

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. KILROY). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HONORING LEOPOLDO CIFUENTES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. DIAZ-BALART) is recognized for 5 minutes.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise to honor the memory of a friend who passed away just a few days ago, a larger than life personality, a generous and extraordinary man, Leopoldo Cifuentes.

Scion of a distinguished Cuban family, his grandfather purchased the famed Partagas cigar factory in 1875. The Cifuentes family symbolizes Cuban tobacco and cigars, the best in the world. And Leopoldo Cifuentes symbolized his remarkable family.

When the Cuban Communist tyranny confiscated all businesses in Cuba in 1960, including the tobacco business of the Cifuentes family, young Leo came to the United States of America, a country he loved and admired deeply. He married Dagmar Hidalgo Nunez, an extraordinary woman, in 1962.

That year Leopoldo Cifuentes volunteered to join the United States Army. Years later, he received an honorable discharge and the commendation of the then Army Secretary Cyrus Vance. Leo and Dagmar subsequently moved to Spain, where much of their extended family resided. Their children, Leopoldo, Jr., and Mayte, were born there. As Leopoldo and Dagmar's family grew, so did Leo's business success. But he never stopped loving the United States of America, nor the country of his birth, Cuba. Leopoldo Cifuentes, along with his son Leo Jr., and his nephew Rafael, have been bulwarks in the fight for Cuba's freedom.

Madam Speaker, just this last July, when I visited Spain to meet with recently arrived former Cuban political prisoners, Leo, Leo Jr., and Rafa helped me to lend a hand to our heroes, the just-released-from-the-gulag former political prisoners. And that's typical of their generosity and their patriotism.

I send my deepest condolences to Dagmar, Mayte, Leo Jr., Rafa, and the entire wonderful family of Leopoldo Cifuentes. I will never forget him.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

DESTROYING THEIR PROPERTY AND INSULTING THEIR INTELLIGENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, the trip taken by the U.S. delegation to the NATO summit in Lisbon was an expensive one indeed. The decision made there to extend our military occupation of Afghanistan into 2014 and possibly beyond will exact untold, unsustainable, unacceptable costs.

A war that has already tragically cost us 1,400 American lives will now take many hundreds more. A war that has already drained the Treasury of \$370 billion will drive us further into debt and stall our economic recovery. And a war that has undermined our national security goals will continue to make us less safe.

Here we are patting down holiday travelers at the airport while we escalate a war that is fomenting, rather than fighting, terrorism. That's the current state of our national security policy. Talk about missing the forest for the trees.

This decision to stay the disastrous course in Afghanistan represents a broken promise plain and simple, a promise that was to at least begin ending this war in July of next year. Meanwhile, as the timetable extends, the tactics seem to grow more violent.

Remember shock and awe in Iraq? Well, we are now engaged in what one American officer called, "Awe, shock, and firepower" in the form of enormous tanks now rolling into Afghanistan for the first time during this war. As if Afghans needed another reminder of the 1980s Soviet invasion, which was heavy on tank artillery, and left an indelible mark on the national consciousness.

The optics here, Madam Speaker, are very bad, and the rhetoric is disturbing as well, with one official boasting to the Washington Post, and I quote him, he said, "We've taken the gloves off." And another saying that counterinsur-

gency, and I quote him, "doesn't mean you don't blow up stuff or kill people who need to be killed." Of course, the problem is that we are killing a lot of people who don't need to be killed, innocent civilians caught in the cross-fire.

How exactly are we supposed to win people's hearts and minds when we are destroying their homes and exterminating their families? When will we understand that this kind of warfare, this entire war is the best propaganda tool the Taliban could ask for? And besides, Madam Speaker, tank deployment flies directly in the face of the COIN doctrine that is supposed to be guiding our Afghanistan strategy. We have all heard General Petraeus wax philosophical about U.S. troops moving within communities, helping forge a bond between the people and their government. Except that tanks and night raids are about just the opposite—removing our troops from Afghan communities in favor of launching deadly explosives from a safe distance.

But apparently NATO officials have come up with a creative way out of that contradiction. The Post reports that an Afghan farmer asked a general at a public meeting, "Why do you have to blow up so many of our fields and homes?" He was told that when villagers travel to town to submit a claim for property damage it helps better connect them to their government. Can you imagine a response more galling, Madam Speaker? Now we are not only destroying their property, we are insulting their intelligence, too.

This must end, it must end now. And Madam Speaker, we must bring our troops home. Our troops should have come home a long time ago.

□ 1900

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

MIAMI CHILDREN'S HOSPITAL'S VENTILATOR ASSISTED CHILDREN'S CENTER CAMP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, I am so pleased, so pleased, to recognize the Miami Children's Hospital's Ventilator Assisted Children's Center Camp and congratulate them on their 25th anniversary.

This extraordinary camp serves children who depend upon medical technology to breathe. It gives them a chance to just be kids for a week.

Founded in 1986 by Dr. Moises Simpser, the camp has grown from serving 50 to over 250. This one magical week is the work of hundreds of volun-

teers and a year's worth of planning and preparation. The VACC Camp is the first of its kind in the Nation, and families come from across the country to participate.

For this 1 week every year, children who are usually all but confined to their hospital rooms and their homes can experience camp activities and a near-normal life. Packed with activities and field trips, this week is a week of firsts: First-time dancing, first-time bowling, first-time swimming. VACC Camp is not about what the campers cannot do; it's about what they can do.

Through a partnership with Shake-A-Leg Miami, the camp even developed a special sailboat that campers can steer with their chins, regardless of how much medical equipment they require. Other field trips include cruising on Biscayne Bay, shopping at Bayside Marketplace, a day at the beach, and lunch at the Hard Rock Cafe. Often this is the one time a year that these children have a chance to go outside in the fresh air and feel the sunshine on their faces.

At camp, volunteers make the week unique by putting on carnival nights and themed dance parties. But above all, the camp offers a chance to escape wheelchairs, medical tubes, and breathing equipment by going swimming. The process of getting each child into the pool takes over 20 minutes and five to six volunteers.

VACC camp is unique for the opportunities that it provides to its campers and their families. Caring for a child who is dependent upon technology to breathe puts an incredible amount of pressure on even the strongest of families. Parents are responsible for intensive 24-hour care without a day off.

Of all the difficulties of caring for a sick child, one of the most trying is social isolation. VACC Camp serves not just the kids but also their siblings and their parents. With programs like Parents' Dinner Out, this camp is a time to have fun and take a day off. What a luxury.

VACC Camp is an opportunity for these children and their parents to see that they are not alone, to build a community and a support structure.

Camp is a life-changing week for the families and the selfless volunteers who make it happen. Sponsored by Miami Children's Hospital and supported by hundreds of volunteers, VACC Camp is completely free for the families. The camp depends not only on the medical professionals who use their vacation days but also on its many teen volunteers. Local high school students interact with campers to make the week truly special and fun, and they leave the week with lifelong friendships. Camp is as much of a life-changing event for these high school students as it has been for the campers themselves.

I am so appreciative, Madam Speaker, of the hard work and the countless volunteers who come together to make this camp a magical week year after year.

To Dr. Simpson and everyone involved at the VACC Camp: You have touched the lives of so many families and helped so many become happier and healthier children. Happy 25th anniversary, VACC Camp, and keep up the good work.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

(Mr. GARRETT of New Jersey addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

GEORGIA'S FIRST SQUADRON, 108TH CAVALRY OF THE 48TH IN- FANTRY BRIGADE COMBAT TEAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GRAVES) is recognized for 5 minutes.

Mr. GRAVES of Georgia. Madam Speaker, I rise today to honor the distinguished service of seven men from Georgia's First Squadron, 108th Cavalry of the 48th Infantry Brigade Combat Team based in northwest Georgia.

On September 2, 2010, these men received the Bronze Star and Army Commendation Medals with "V" Device for their personal valor and action in an intense firefight during Operation Brest Thunder. Operation Brest Thunder, an operation involving U.S. troops, French marines, and the Afghanistan National Army, was designed in order to persuade the citizens of Afghanistan that it was safe for them to participate in the electoral process in the dangerous insurgency area of the Shpee Valley and the Kapisa Province.

It was through their bravery and boldness during this operation that the following men have been recognized for their outstanding action. The Bronze Star Medal with "V" device was awarded to:

Captain Nathaniel C. Stone of Monticello, Georgia; Sergeant First Class Kenneth Brooks of Calhoun, Georgia; Staff Sergeant William Bookout of Villa Rica, Georgia; Sergeant Roger Mavis of Dallas, Georgia; and Specialist Christopher Lowe from Savannah, Georgia.

Receiving the Army Commendation Medal with "V" device were Staff Sergeant William Moore of Newnan, Georgia, and Specialist Justin Evans of Silver Creek, Georgia.

During Operation Brest Thunder, a large number of Taliban had entered the Shpee Valley in Afghanistan in

order to reinforce insurgents already there. At the start of their mission, U.S. forces immediately took heavy fire from enemy forces in every direction.

After a fellow captain was mortally wounded, and the assisting soldier, Specialist Lowe, wounded and incapacitated, Captain Stone and Specialist Evans sprung into action. Captain Stone was dispatched to lead the Quick Reaction Force to evacuate Specialist Lowe and the fallen soldier from the battlefield back to the combat outpost. Meanwhile, Specialist Evans treated Specialist Lowe's wounds while staving off enemy fire.

Maneuvering under fire, Captain Stone and Sergeant First Class Brooks, the onsite commander, immediately assessed the situation and the course of action for evacuation. They soon realized that the only way to retrieve the casualties was to immediately employ their men to lay down fire at a tree line that had been the source of the heaviest assault.

Once their men were in place and able to begin an aggressive attack, Captain Stone, along with another soldier, sprinted approximately 50 meters up high ground towards the house where the casualties were located without regard for their own personal safety. Upon reaching Specialist Evans and Specialist Lowe, Captain Stone realized Specialist Lowe was losing a lot of blood and must be rapidly evacuated out of harm's way. Captain Stone sprinted towards one of the vehicles where Specialist Lowe was placed, while several rounds of enemy fire shot around him, skimming the top of his right boot.

And Captain Stone ran through enemy fire to ensure that Specialist Lowe received medical attention and that the body of his fellow soldier was retrieved.

This quick thinking and courageous action by Captain Stone and Specialist Evans, without regard for their own safety, saved Specialist Lowe's life and assured the retrieval of their fellow man. Throughout the duration of Operation Brest Thunder, Sergeant First Class Brooks, Staff Sergeant Moore, Sergeant Mavis and Sergeant Bookout endured heavy enemy fire.

These men led valiantly, calmly, and decisively. Although they were under heavy enemy fire, these men and their team pressed on and unfortunately sustained two casualties. However, they were able to maneuver their forces and hold overwatch positions until the Quick Reaction Force could respond to medevac any casualties and help neutralize the enemy threat. They simultaneously oversaw the defense of their combat outpost from heavy fire upon the return of their mission.

A few of these men have noted Operation Brest Thunder to be one of the toughest battles they have fought. But it is because of their strength of skill that a Taliban commander and almost two dozen insurgents fell, helping the

United States and her allies grow stronger, protecting her from those who wish to do her harm.

The courageous actions of these men show their commitment to their mission, to each other, and to their country.

Madam Speaker, I have taken this opportunity to commend the heroic actions of these men. But I would also like to take this opportunity to thank them. I would like to thank these men for sacrificing their lives and their livelihoods for this country.

I want to thank their families for showing tremendous support, strength, and resiliency, and I want to be sure that they and their brothers and sisters all across the United States Armed Forces know that we at home are always thinking and supportive of them. Americans can sleep more peacefully, Americans can live their lives more freely knowing that soldiers like these brave men from Georgia's First Squadron, 108th Cavalry of the 48th Infantry Brigade Combat Team are out there fighting for our freedoms.

God bless them and their families, and may the Lord continue to bless this great and glorious cause called America.

□ 1910

REPORT ON RESOLUTION PRO- VIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 4783, CLAIMS RESOLUTION ACT OF 2010

Mr. POLIS, from the Committee on Rules, submitted a privileged report (Rept. No. 111-660) on the resolution (H. Res. 1736) providing for consideration of the Senate amendments to the bill (H.R. 4783) to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Chile, and to extend the period from which such contributions for the relief of victims of the earthquake in Haiti may be accelerated, which was referred to the House Calendar and ordered to be printed.

THE RULE OF LAW: FEDERAL REGULATIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes as the designee of the minority leader.

Mr. CARTER. Thank you, Madam Speaker.

We've been talking for a couple of years now about the rule of law and how the rules that we set up for ourselves are rules that glue our society together. But there are times when there are rules that people have a misconception about. This happens more and more when you're back home, somebody will come to you in the business community or even in their personal life and complain about something or some way that the government was interfering with their lives.

There are times when, at least in my office, where people come in griping about it and unfortunately it's not the Federal Government. It's rarely not the Federal Government, but sometimes it's not the Federal Government but it's the State government. But almost always people presume that the law that is intrusive upon their life, and these are people that are not in the regular course of dealing with Washington, those laws were passed by Congress. So, therefore, Congress did this to you. And, in a way, it's true.

Tonight, I want to talk about Federal regulatory authority. Federal regulations. We're at a time right now that some would argue is at least equal to the Great Depression in a time of joblessness and in a time of economic stagnation. Some would argue we're second to the Great Depression. Which ever it is, we have literally hundreds of thousands and millions of people in this country who need a job. They need to work. They want to work. They want to be out there and be productive members of society. That's the most important thing in their life.

Feeding your family. People go to great strains to try to make sure that they can provide for their families. And I think all Americans feel that way. Nothing hurts more than to realize that whether it's your fault or the fault of the economy or what, you can't find a job in the town you live in, or maybe even anyplace within driving distance of where you live. You hesitate to move all the way across the country to someplace where you hear there are jobs because it's so disruptive to your family. The pressure is tremendously bad on people in this country right now. There are folks that are trying to create jobs, and they have things that are interfering with their lives.

There's all kinds of reasons why you get stagnation and you get companies that are fearful to create jobs, that people are, as we hear, quote, hoarding their profits. One of the reasons we talk about all the time is uncertainty—"I don't know what's going to happen and until I know what's going to happen, I'm holding onto my money." That might be actually some pretty good planning in many ways. But there's also that "I can't explain it" factor that is in people's lives. "I can't explain it; I just don't feel good about things right now." I believe that a lot of the "I can't explain it, I just don't feel good about things right now" feeling that a lot of Americans have, actually you could go back to what FDR said: "The only thing we have to fear is fear itself." We can't define what causes us to be afraid in many instances. But there are things that go on that we create in this Congress. Through acts of Congress, we create authorities, agencies, boards, commissions, departments, all kinds of entities that have career Federal bureaucrats that work for them, and we give them what's called regulatory authority. Regulatory authority basically

gives them authority to write additional rules to implement the overall plan of what the Congress perceived to be a need of the country and passed in the form of a piece of legislation. From that standpoint, I guess all rules are the resulting fault of the Congress. But in the vast majority of instances, the regulations are never addressed by the Congress.

Tonight, some of my friends are joining me and I'm really proud to have them here. We're going to talk about the fact that this is not the first time this has been recognized as an interference in the ability to create growth and create jobs in this country. Back in the nineties, back in, I believe it was right after the 1994 Republican takeover of the House, the Contract with America, there were a lot of pieces of legislation passed. Some of the things they tried to do were things that would get some of the regulators off the backs of small and large businesses which would prevent the creation of wealth, prevent the creation of jobs. They passed something called the Congressional Review Act. It was signed into law by President Clinton. The Congressional Review Act requires all Federal agencies to submit any new major regulation—that's what I was telling you about; agencies have regulatory authority and those regulations are like laws written by bureaucrats—to Congress for 60 days prior to the enactment of that regulation, during which time Congress can vote to block the new rules.

With President Obama in the White House and REID still throttling the Senate, the CRA, the Congressional Review Act, gives the House the potential to look at these things and to realize that probably the largest concentration of regulatory rules that will ever be written in the history of this country are probably going to be written, or are in the process of being written on ObamaCare right now.

You hear all these many things that are going on, if you just watch your television, about the Secretary has come up with a new rule and has granted a new waiver to rules, a temporary waiver, a permanent waiver, a 60-day rule; a rule forever. Rules are actually epidemic. Last year, the Federal Government issued a total of 3,316 new rules and regulations, an average of 13 rules a day. Seventy-eight of those new rules were major rules. A major rule is any rule that may result in an annual effect on the economy of \$100 million or more; a major increase in cost or prices for consumers; or a significant adverse effect on the economy. We are already seeing that ObamaCare seems to be the mother of all rules.

The Congressional Research Service reports that ObamaCare gives Federal agencies substantial responsibility and authority to, quote, fill in the blanks, fill in the details, for the legislation that was passed by this Congress and submitted for regulations.

□ 1920

There are more than 40 provisions in the health care overhaul that require, permit, or contemplate Federal rule-making. We have this tool called the CRA. And I've got a board here that tells you a little bit about it, and I told you some of it. So it passed as part of the Small Business Regulatory Enforcement Fairness Act of 1996, part of the Contract for America Advancement Act of 1996. The purpose was to allow Congress to review every new Federal regulation issued by the government, government agencies, or passed by a joint resolution and overrule that regulation.

The way it works is the Federal agencies shall submit to each House of Congress and to the Comptroller General a comprehensive report on any major proposed rule. Congress has 60 days to pass a joint resolution of disapproval of any rule. The Senate must vote on the CRA resolution of disapproval if this House votes to disapprove the rule. So that's the way it works. This is a tool that I have a lot of questions with.

My first job out of law school when I was a young, stupid lawyer and had a lot to learn was to be drafting legislation for the Texas Legislative Council. And I didn't learn a lot there, but I learned one thing: When the word "shall" appeared, it meant you do it. If it said "may," you had other options you could take. But if the legislation says "shall submit," you shall submit it. You shall do it. You have to do it. But interestingly enough, I don't think that this tells you what happens if you don't. So there are a lot of questions in this bill. This bill needs some further work.

A good friend of mine, Representative GEOFF DAVIS, has actually been looking into putting a little bit more teeth into the Congress' power to oversee these regulations. So, at this time, I'm going to yield as much time as he wishes to consume to my friend, GEOFF DAVIS, to tell us about what he looked at when he started with his REINS Act that he proposed and tell us about it.

Take the time you need.

Mr. DAVIS of Kentucky. Thank you, Judge. It's good to be with you tonight working in common cause on this issue. So many of us have seen not simply in the last 2 years or the last 4 years, but a growth of government really over the last 50 years that is unprecedented, and it's increasing every year in size.

The intent behind the Congressional Review Act in 1996 was absolutely solid. But when it went into law, one of the challenges that happened was that law didn't really have the teeth in it to force accountability of the agency community with the Congress. And I'm going to talk a little bit about some of the things that led up to our introduction of the REINS Act, H.R. 3765, the Regulations from the Executive In Need of Scrutiny Act. And it's a long name to really give the analogy of pulling back on this unbridled growth or

race to increase the size of the government.

The only time that the Congressional Review Act has been effectively used to block the implementation of a regulation was the ergonomics rule from the Clinton administration's Department of Labor that was going to be implemented in early 2001, and it was struck down by the incoming Congress and then signed into law by President Bush as one of his earliest legislative actions in 2001. Since that time of the Republican administration and a subsequent Democrat administration, we have seen an explosion of regulations. We can name virtually any agency in the Federal Government that on account of two reasons—one, a lack of congressional oversight and enforcement, where an agency can literally go out and move independent of the clear intent of Congress because of some of the nebulous language that's allowed to go into bills to get compromises to get it passed; and the second thing that happens in that, as well, is that these regulations get promulgated as a means of an administration in the executive branch to, in effect, subvert what the desire of the Congress is. We saw it in immigration policy. We've seen it in environmental policy, and we've seen it in aspects of defense policy. No Child Left Behind is filled with unfunded mandates that are placed upon local school systems. And the cumulative sum of this is a huge amount of the economy.

Compliance with regulation comes with a cost. There's a scoring system of rules, and what we chose to focus on was major rules, which I will get to in a minute, but a major rule is one that has a cumulative economic effect of \$100 million a year. That is an awful lot of money. But when we look at a country of over 300 million people, we can get there very, very quickly.

Let me give you a personal example. For people who might be watching this broadcast tonight, I ask you this question: Has your sewer bill gone up or your water bill gone up in the last 5 years? The majority of communities in this country have seen a great increase due to a mandate, an unfunded mandate, from the Environmental Protection Agency for storm water compliance. Is environmental stewardship relevant? Absolutely. But here is the bigger question. I'll go to northern Kentucky, and this became the genesis of the REINS Act.

We had just at the peak, the tipping point of economic growth, about 5 years ago, a consent decree was negotiated in a draconian fashion where we dictated to the water district in northern Kentucky for the three counties where I live, in Boone, Kenton, and Campbell Counties. That consent decree to mandate a change in storm water runoff and how that was going to be handled in our cities in those three counties of our 24 counties was an \$800 million unfunded mandate on three counties in Kentucky. It overnight

doubled everybody's water and sewer bills. The sewer bills were the first thing that came.

The second thing that we saw, though, because we are one of the more prosperous parts of the State in terms of having a sustainable tax base and manufacturing industry, as painful and unpleasant as it was, if it were, in fact, the correct thing to do, there was a means to cope with that. But I have towns in my district, particularly in the rural areas and some of the poorer areas, areas where folks do not have the tax base, smaller cities that have a diminishing and aging population that are heavily centered on retirees where the cost of storm water compliance is actually more than the city budget, and there is absolutely no relief at all or context to be applied in these regulations.

I was very concerned about this and had spoken out on it, and a constituent came and talked to me. And he just asked this question. He said, How come you all can't vote on these regulations? And we went to work. We went back and looked at the original intent of the Congressional Review Act. And the more that our legislative staff and I studied that, what we began to see was it takes an action of the House and the Senate overwhelmingly to repeal that regulation.

I thought about this from my time in manufacturing and operations, learning how to build things. If we can create something the equivalent of a stoplight that will simply stop the process, that becomes the basis of this, and that was the genesis of what became the REINS Act.

There was no way for accountability to be given to the American people. When it's a faceless executive in an agency, when it's a department, a sub-department within an agency that issues a regulation, comments are rarely carried out. As you noted earlier, we very rarely actually see those regulations briefed. It just comes in a thick congressional register of thousands of pages.

And here is the thing that came to mind when we looked at that idea of how to deal with this from a voting perspective. What my friend shared opened our eyes to do an amendment to the Congressional Review Act that would change the nature of it from Congress has the option to. As you know, our good friends in the Senate are somewhat slower than we are in being able to get things done. There are more abilities to throw a stumbling block in place. We decided just to take that same idea; let's create a mandated process that, in fact, will force these regulations to be vetted so the American people have somebody to hold accountable.

If the head of the EPA, for example, a regional director of the EPA came into my district in August and made a statement to the effect of, If we have to put you all out of business and you have to move to other parts of the

country that have a policy that we think is more acceptable, then so be it; but there's no ability for them to, in effect, strike back at the ballot box, to express another opinion. And these are not people that disagree with the EPA as an agency or any other agency for that matter. It's a question of constitutional authority, and it should be vested here. The power of the purse is in the House of Representatives, and the financial impact of these regulations should be in the House as well.

And this is what we propose with REINS—to rein in the government when a regulation of this magnitude is proposed. What would happen is that at the end of the comment period, instead of being enforced unilaterally upon the American people or being in endless court or remediation fights, what would happen, very simply, is those bills or those regulations would come back here to Capitol Hill. We would have a stand-alone, up-or-down vote, a no-excuses vote where Members of Congress of all 435 districts would have to vote and be accountable back to their citizens for the decision they took. If we're going to have an \$800 million increase in water and sewer bills, they would vote. If we're going to increase the unfunded mandates on our schools, there would be Members of Congress and of the Senate who would have had to take that vote. I think it would have a restraining factor, knowing that people had an out, that there was accountability.

□ 1930

This extends into so many areas with EPA rules and the multiple rules that you mentioned with health care and with the new financial regulations, I could go on ad nauseam, and the sum of this economically is devastating to our country and it moves us away from looking at ways to be more efficient.

I say put the stop in place. This bill will do that. The REINS Act, H.R. 3765, makes us all accountable to our citizens. The benefits of this are twofold. The first benefit is that this is non-partisan. In the Bush administration, as some of us have talked about, we noticed regulations that were being brought about and implemented that were against the better interest of our economy, of our communities in many parts of the country. There wasn't an open and public debate to be able to address that. The thing that this would do is it would push power back to the legislature where it needs to be, stop the unbridled growth of the executive branch so voters would always have a say.

The second thing it would do, and we saw this with the health care bill, 2,700 pages, much of it nebulous language that was given to us midnight Friday before a Sunday vote on that bill, there was no way to fully vet the consequences of that. I believe what the REINS Act would do is take those rules and it would lead to more streamlined and crisp language and eloquent legislative language stated, and avoid the

ability of any outstanding agency to subvert the will of Congress.

I appreciate being part of this discussion tonight.

Mr. CARTER. I thank the gentleman. My good friend, the gentleman from Georgia (Mr. WESTMORELAND) is here, and I want to let him make the comments he wishes to make.

Mr. WESTMORELAND. I want to thank my friend from Texas and also my friend from Kentucky for introducing the REINS Act, and especially the gentleman from Texas for your work in this body late at night like this, talking about things that we need to do and what the public expects us to do as far as ethics and as far as reining in some of the government that we have. You know, I think what a lot of people don't understand is that this new TSA ruling, this is something that did not come out of Congress.

Mr. CARTER. That is right.

Mr. WESTMORELAND. This came out of the Department of Homeland Security making their own rules. The ObamaCare bill that was passed out of here, I believe there are 111 agencies, boards and commissions that are to be formed by that bill. Each one of those will write their own rules and regs. For CBO or anybody else to try to tell us how much money this is going to cost, it is impossible because we don't know what type of rules and regs these agencies, boards and commissions are going to come up with.

We had a hearing in the Small Business Committee, and we had somebody there from the GAO. We asked them: When these agencies get this legislation, do they ever go back and talk to the Member that offered the legislation or the committee that it came back through?

No, not that we know of. It is not a rule. It is not a practice.

So while this body might pass something with a certain legislative intent, by the time it gets to that agency, they write rules and regs that go way beyond where this body wanted it to go perhaps, or maybe not as far as they wanted it to go. As the gentleman from Kentucky mentioned with the water bill, the Clean Air Act, the Clean Water Act, it has gone way beyond what the intention of this body was with the EPA and the Fish and Wildlife and the other agencies that got hold of that bill.

The REINS Act talks about the Portland cement, the new regulations that the EPA is trying to put on that. A lot of people don't know this, but if you live on a dirt road with the new dust requirements that the EPA may come out with, you are not going to be able to drive down that dirt road and create dust. Well, I live on a dirt road and I am going to tell you, I don't know how to keep it from having dust unless you have a rainstorm, and then you are going to get mud.

Mr. CARTER. You will need to have a water truck in front of you to get to your house.

Mr. WESTMORELAND. That's right. And we have people come up to us all of the time and say, you know, why did you all pass this law that says, you know, that you can't have dust or you can't have spray that blows if you are spraying your pastures or your fields or your bushes. You go, you know, that wasn't in the law. That is not something that we had; that's something that the EPA did or that is something that the IRS did or that's something that Homeland Security did on their own. And so I just think this is a great piece of legislation. I appreciate you opening up the debate to it.

Mr. CARTER. Recapturing a little bit of my time here, talking about the Portland cement issue, when I started looking into this, and first off to make this very clear, we are not talking about company called Portland Cement, we are talking about a process for making cement. It is kind of interesting. Cement is the second most consumed product globally in the world. The first is water. So honestly, just about everything that is constructed, buildings and roadways, has something to do with cement. And the projections on what this is going to do to the Portland cement industry, the people who make the concrete that we depend on, you know probably 90 percent of the skyscrapers of the world use some form of pre-stressed concrete to build a skyscraper. It is a major building material for a thriving economy. What they are telling us now is that construction spending amounts to about a trillion dollars annually, and that is about a fourth of the gross domestic product. The cement industry has declined in relation to the national economic downturn, and so has the construction industry.

If they do this, this could cost us around 153,000 jobs nationwide. That is lost jobs. We are trying to figure out a way to create jobs in this Congress; that is lost jobs. The cement industry generates \$7.5 billion annually in wages and benefits. According to the Minnesota Plan, about \$27.5 billion of America's economic activity, gross output, occurred in the cement manufacturing industry, and almost \$931 million in indirect tax revenues were generated for State and local governments. The economic footprint for the cement industry is a trillion dollars. It is very important.

Now what can happen. According to a study done by SMU, which happens to be in the great State of Texas, they have looked at what this regulation that is being proposed by the regulators, and when we say regulators, remember, nobody elected these people to this job. Most of them work under the civil service idea that once they are here, unless they commit armed robbery, you can't get them out of their job. So they are employees for life. They sit around in little offices and come up with all of these new ideas, and they expand upon the thoughts that Congress had when we

created these agencies. And I would argue that EPA has expanded beyond anybody's imagination the things that they can do. And they don't think about the fact, like blowing when you are crop dusting or spraying your roses in your yard if the wind is blowing, you're in violation of the EPA regulation they are proposing. They don't realize what the impact is on human beings.

What will happen to us on the Portland cement industry is right now our major competition is overseas anyway. I mean, China and Japan are importing, mainly China now, are importing tons of concrete into the United States every year. If we put our manufacturers out of business because of this extremely expensive regulation that would cause them to be noncompetitive in the world market. Even if they tried to compete, their increased costs would be such that they would be put out of business from a market standpoint. Other people would just have a better price. Even with shipping costs, they would have a better price. But more so, you lose all of the jobs that are created around here for the cement industry if you pass these regulations.

These are the kinds of things that Congress ought to be looking at because we are responsible to the people of the United States. This House is called the People's House because every 2 years we have to look our neighbors in the face and answer those questions that your neighbors ask you about why in the world did you guys do this?

□ 1940

Well, we're getting blamed for it anyway. We ought to at least look into it, and if we can do something about it, we ought to do something about it.

I see Congressman DAVIS is back. I'm glad to see you. We're talking about what this Portland Cement case is going to do to the cement industry. Quite honestly, it's disastrous.

Mr. DAVIS of Kentucky. I would agree wholeheartedly with you. In fact, we can extend that almost into every area of small business. For those who have experience in manufacturing and in any number of business areas or construction that deal with the use of various chemicals, resins and compounds, there is a compliance requirement called Material Safety Data Sheets, MSDS compliance, which requires a very large amount of documentation in a business. We look at Portland cements, which are very large businesses that have these burdens placed upon them that are very high, but it's even in very small businesses.

In working with many manufacturing companies in my time before coming to Congress, in the 12 years before my coming to Congress, after I had left the Service, I saw that these regulations created an undue hidden tax on America's ability to compete. It's not the idea of being antiregulation. I think standards can be very good and

very helpful, but it's the point at which that compliance is mandated and the context of that.

A case in point, I think, that I saw that typified this more than anything else was the case with my dry cleaners that I had used for years before I ended up running for office. It's called Braxton's Cleaners. It was started by a couple of entrepreneurs who wanted to build this business. They built it. It grew. They had very high quality customer service. Like all of us who have started small businesses, we've encountered the issue of how to deal with all of the hidden costs that come with just running any kind of small business.

Well, they hit a point where they were doing so much business—they were starting some satellite operations—that the owner decided that he would install another dry cleaning machine. He suddenly found out that, by wanting to do that, he had an EPA mandate through the State environmental cabinet of the Commonwealth of Kentucky that he had to have boreholes drilled through his floor to see if dry cleaning fluid in any capacity had gotten into the groundwater.

The standard that had been levied by the Environmental Protection Agency—and this is going back to actually 1999—for the amount of particulate matter of dry cleaning fluid—and essentially you and I could drink it. It would be awful stuff and probably make us sick, but it's not going to kill us—has been listed with many other chemicals as a possible carcinogen. You would have to pump this into somebody's body to create a real health issue, but it was so few parts per million that it was actually a higher standard than drinking water is in our county, which is maintained at a very high standard.

When this was found—and they found one teaspoon of water under the concrete pad at Braxton's Cleaners in Burlington, Kentucky—the inspector said, Well, you're going to have to remediate this.

His response was, Well, I don't have the money to do that.

Then the inspector said, You don't understand. We're going to shut you down if you don't do this.

So he spent over \$50,000, in effect, to tear up the floor and to clean up one teaspoon of water.

The context issue here is that this is not Dow Chemical pumping out millions and millions of gallons of highly toxic chemicals. This is the local dry cleaner. I've had friends who were auto mechanics, running small garages, who built businesses, and who were successful entrepreneurs—taxpayers—creating jobs and growing. They've run into the same kinds of issues that lose context when they're complying and seeking to fulfill the intent of the law.

Before I yield back, I'll mention one other. I see the egregious example of regulatory intrusion. The purpose, for example, of the Transportation Security Administration is to provide secu-

rity for the traveling public. That's the premise. I sat in here on October 31, 2001, as a candidate for Congress, during the anthrax scare, and I watched Norman Mineta—former Clinton administration Secretary of Transportation, who stayed over into the Bush administration—pleading as the father of two airline pilots not to implement the processes the way the TSA was going to. He said it would create an onerous cost, that it would create an excessive economic burden on the airline industry and that it wouldn't materially change the outcome of security. He advocated the use of a much more principle-based and systemic method used by the Israelis, which involves questioning and which gets the bags before they ever go into the airport.

Now we find a situation where I believe, personally, we're getting into some Fourth Amendment grounds, not as an attorney because I'm not one, but by questioning the need for these intrusive searches of everybody within the traveling public when, in fact, threats have already penetrated a secure area. The bigger question when I see the nun here and when I saw the video of the—

Mr. CARTER. Reclaiming my time for a minute, it is very clear from the cameras that this is basically a TSA employee doing a leg search of a nun.

Go ahead.

Mr. DAVIS of Kentucky. With that visual, keep in mind I've spent the last 26 years of my life traveling in and out of the Middle East in various capacities—serving there in the military and being in and out of the region, traveling on business, and now as a Member of Congress. I've had a chance to watch a system that is virtually flawless, and it's based on a series of questions that is not intrusive. It's a free society. They've maintained their civil liberties with a dramatically higher threat to terrorism.

Yet what we have done, if we look at this, is create the bureaucratization of security. We're not going to deal with the root cause issues; we're going to treat the symptoms. Nobody will ever take down an airplane with a box cutter or a pocketknife the way the hijackers did on 9/11. Now that citizens who are flying know, there have been multiple instances in flight where people have had erratic behavior, mainly trying to get to the lavatory, and they were tackled by passengers out of concern for this. Americans will fight back.

The situation has changed, and in effect, we're fighting the last battle; we're fighting the last terrorist attack as opposed to something like the Israeli system, which really incurs virtually no cost and manages to keep a very robust flying public that's very safe, and it all begins with asking questions.

People bring up the argument, Oh, well, you can't do that because that's profiling.

I would disagree with the misuse and misunderstanding of that term related

to the cost. We are driving people away from traveling right now because of these intrusions. It's creating a huge burden on the flying public, and it's entirely unnecessary because it's checking innocent people, and 99 percent of our capacity is devoted to checking people for a threat that any trained security inspector would know is not even there. That's a poor use of assets.

I'll go back to the Israeli system. I was traveling out of Israel, alone, with a backpack, 17 years ago, on a short trip that I had had to make into Jerusalem. At the time, because of what I did and because of where I had been in the military, I had had lots of stamps from countries all over that area—some areas which weren't particularly friendly to Israel. I was asked questions—a blue-eyed, Caucasian male, from the United States, who spoke with an Ohio Valley accent. They began asking me a series of questions.

They looked at the passport stamps and moved me over and said, We'd like you to talk to this person over here.

The other 200-plus people who were going on that L-1011 Delta flight, in fact, were moved right on through. I was asked questions for over an hour and a half. There was no cost to those other people. The airline was able to do what they did, and they were able to very quickly verify that I was, A, no threat and a legitimate customer. That system works, and it works today, and it's almost impossible for somebody to fool that system.

The other thing that's important is we don't need these billions of dollars spent on these scanners that are being overused. Again, it comes down to situation awareness. We can address this issue with a lower cost by stepping back and applying what you and Congressman WESTMORELAND have been talking about tonight, which is just bringing some common sense to this.

What is the problem we really want to solve? Give us the most flexibility and the most options to deal with this after the fact.

Again, before regulations like this should be implemented, I believe we need to have a vote of Congress. Let the will of the people be made known in this rather than just simply giving away another set of our liberties without asking that question when, in fact, it comes at a significant cost. I think if our taxpayers who don't travel regularly understood the amount of money that we spend on hardware, which can still be penetrated by some type of a serious threat that was just outside that set of assumptions in TSA, we'd be in a different world.

This doesn't impugn the motivation of the folks in the Transportation Security Agency. I know there is an ongoing argument below the senior management levels of what works and what doesn't work, and it is by those who have lived in that world. They've lived in a high-threat environment and have been able to thrive.

I believe we can do that; but again, let's come back to these constitutional

underpinnings that regulations and rules that are going to govern the lives, the comings and goings and the commerce of all Americans should be decided here in House of Representatives, over in the Senate, and then signed by the President and not brought into being on the unilateral decision of one individual.

Mr. CARTER. Reclaiming my time for a moment, this morning, in an airport, as I was coming to Washington, I was on one of the earliest flights going out of Austin, Texas. We're a midsized city, and I've never seen so many lines in my life. I mean, they were a good half mile long. They were back and forth and back and forth. All I could think was that I got there early enough that, by the time I got through, I could just sit and watch the rest of those lines build up. They built up, built up, built up. It was unbelievable.

□ 1950

A guy sitting next to me said, well, there are going to be a lot of people missing their flights today, they're not going to make it—because these were all the people, I guess, who were coming back from Thanksgiving and instead of flying on Sunday when the cost was more they waited until Monday to get a cheaper flight. Well, what is that going to do to the airline industry? They are going to have planes flying empty. They are going to have people demanding refunds. It's going to hurt the airline industry. Before we turn around, we're going to have somebody coming in here and saying, holy cow, TSA put together this regulation, and now we're causing all these airlines to get in serious financial problems and we're going to have to buy the airline industry like we bought the automobile industry. I think we should get out of that business. That's why this Congress, or somebody who must respond to the American people, needs to be involved. That is why I think putting teeth in the Congressional Review Act through the REINS Act is good.

I will yield as much time as Mr. WESTMORELAND needs.

Mr. WESTMORELAND. I thank the gentleman for yielding.

I wanted to go back to the cement.

Mr. CARTER. All right, let's go back to it.

Mr. WESTMORELAND. Being an old builder that really spent my whole life in construction, there is a byproduct that comes from power plants that's called fly ash. Fly ash is a byproduct that comes out of the coal-burning plants and it is used in concrete. It keeps it from setting up so rapidly to allow the people to work with it, to get a good finish on it. It takes it longer to set up. In the winter, you can either put calcium in the concrete to make it dry harder—or to at least make it dry if it's cold outside—or you can leave the fly ash out of it and use a bag mix, which makes the concrete more expensive.

The EPA came out with a rule—or they are looking at a rule that would

make this fly ash a toxin. And so the cement industry, the concrete industry went to them and said, look, we are mixing this stuff with concrete. Once the concrete is poured, it's encased, it's part of the mix, it's concrete. So the EPA said, yeah, that makes sense, it's not there. But we are still having hearings—or at least from people that are trying to help with the rulemaking—about burying this because right now a lot of that fly ash or the stuff that has been taken out of the TVA where those power plants ran have been taken to Alabama and put in the ground and other sites, and they are trying to make a rule to make that a toxic material. Well, the concrete industry thought they had it all settled until the EPA came back and said, you know what? I wonder if you recycle that concrete—because right now everything is being recycled, I mean, we recycle asphalt, we recycle concrete, we even recycle dirt, we clean the dirt—and so they said if you recycle this concrete, then it's going to put the fly ash back in the air. So what are you going to do with it? I mean, are you going to just bury it all now and put it in the ground or are you going to use it in concrete? And if you recycle it, you are actually putting it to better use because you're putting it back in concrete. And so this is just another part of those stupid regulations.

I come from the construction business, and I know that we, as the new majority that comes in in January, are going to do everything we can do to create jobs and we are going to work hard at it, but until we get the construction industry back on its feet, this economy is going to be very slow to turn around. We have got to put the building industry back on its feet. And doing things that the EPA is doing right now—and not only the EPA, but the Department of Labor with the new OSHA rules that are coming out, it is just all different types of things that are slowing down that building industry and slowing down our productivity that we have. Until that gets fixed, this economy is not going to recover like it can.

So I just hope that we can get something done about this where these rules and these regs have to come back in front of us. Let us have hearings on them. At least let us give them an idea of what the legislative intent was and also allow us to look at what these are and to vote on them because if we're going to get blamed for it, like you said, we might as well at least have a vote on it.

But when the EPA itself says that these regulations could cost the cement industry \$340 million a year and decrease the production in this country by 10 percent, in 2007 I guess it was, or whenever we had Katrina, we had a shortage of concrete, we had a shortage of cement. We actually couldn't import, there was a large import fee on it. We reduced that and started importing cement from Mexico just to make up

for the difference because we had a shortage. And now, if they continue with the regulations they're continuing with, in 5 years we wouldn't have any more domestic cement, it would all be coming from foreign countries. And what does that do? They produce it without the same environmental regulations that we have. So the EPA is just defeating its purpose of trying to clean the air up when we're having to import all of our cement.

The gentleman from Texas knows, we put our steel mills out of business, it cost thousands and thousands of jobs and money. If we put ourselves out of business in the cement industry, we are going to be totally reliant on our steel and our cement, two of the biggest components that we use in the construction of all of our facilities today.

Mr. CARTER. Reclaiming my time, what you just described is part of the American frustration factor that is part of what has got Americans frustrated in this economy right now. It is the unknown. It is the what is the government going to do to me next that's out there that has got businessmen, job creators standing around, scratching their heads, then they hear this story.

I want to tell you a story from my youth. I was working for the legislative counsel, and then when I left that job, I got hired as the attorney for the Ag Committee of the Texas House of Representatives. I will make this short, but it is a great story. The Federal Government passed a new meat-cutting law, and it was going to affect all these mom and pop sausage makers all over the State of Texas—at that time we had literally thousands of them. We were having hearings from these people complaining about what these new regulations were doing to them, and in comes two people from the Department of Corrections with a guy in a prison uniform. They put him on the stand in the Ag Committee and said, what are you here to testify about? And he said, me and my brother were the best sausage makers in east Texas, we were the best. And this fellow comes in our door one day and says, I'm from the Federal Government, I've got some new regulations. You're going to have to tear out all your equipment and buy new equipment. He said we went to the bank and we borrowed \$25,000 because he said we made the best sausage in east Texas and we put it all in. Six months later that same fellow came through our door and said we've got new regulations, you've got to have a drain and a cement floor and you've got to have all stainless steel, so all that stuff has got to go. He said, me and my brother, we went down and borrowed another \$50,000 from the bank and we redid all that. He said, about 1 year later that same fellow walked in the door and said, I've got bad news for you, so I shot the guy, and now I'm in prison for attempted manslaughter. That is a true story.

Mr. WESTMORELAND. Now he's making sausage for the State of Texas.

Mr. CARTER. That is how frustrating regulations can be.

I yield to my friend, Mr. DAVIS.

Mr. DAVIS of Kentucky. There are so many stories that we can think of, and it comes back to this issue of having context.

A very successful entrepreneur who actually started working in a coal mine at the age of 15, who is a very successful industry executive, made a comment to me when I first got elected to Congress that he wished that no person could run a Federal agency or serve in the House or the Senate unless they created one job so that they would know what it was like to deal with the consequences of regulations.

□ 2000

We come back and qualify this. The overall intent of the founding of some of these agencies was a very good thing, but let's step away from the EPA for a moment—we'll come back there in just a second—but move over to education.

We have some outstanding schools, blue ribbon schools in our region, and their increases in performance are not due to the mandates inside of the No Child Left Behind bill. In fact, I brought the Secretary of Education from the Bush administration, Dr. Margaret Spellings, to Kentucky in 2008. It took almost 9 months to get her there. Because I wanted her to be able to see as an educator—I'm the husband of a teacher and the father of a current school teacher—that the real key to success in education is not a regulatory mandate; it's again coming back to that context on the front lines.

In this case, I took her to two schools, one urban school and one rural school that had gone through dramatic turnarounds and that were both near the top of their state in their performance. And in each case it was a Back to the Future story. Reestablishing parental visitation, empowering teachers to bring families that might have some challenges literally into the community. Packing food backpacks for the weekend to make sure that kids in tough circumstances—having been a kid in a tough circumstance growing up, I appreciate what teachers did for me at the time.

And then we get down to the numbers. If we look at the impact of some of these regulations, when you have got an adequate performing or exceptionally well performing school system and then impose on that a mandate that requires a huge amount of paperwork and consumes hours of time, it detracts from the classroom. And then the promises under the Individuals with Disabilities in Education Act, which—the intent of the law is good but the implementation is awful because the promise of 40 percent funding on an unfunded mandate in already strapped school systems, and the best—the average funding in Kentucky runs between 11 and 13 percent of that 40 percent.

So again, it's a tax by regulation that's imposed on local communities on an issue frankly I think should be controlled by the States and local communities.

I'll give you another case in our district of a very successful young man from Lewis County, Kentucky. He ran in the current wave of activism of people wanting to make a difference. To get elected county judge executive of Lewis County, Kentucky. They are in tough economic times. His name is Tom Massie. He was a stellar student at Lewis County High School. He went to MIT. Got a graduate degree. He invented some remarkable robotics technologies. Was very successful in business, and came back home to invest in his county—not monetarily but to make a difference and turn it around.

Energy is an issue not only in Texas and Kentucky. We're energy-producing states. We help to run—in effect our States are part of the engine of this Nation to help lay that foundation in the base of the economy.

Tom Massie came up with a brilliant idea that didn't involve coal or oil or nuclear power—all of which we should use and let the market work in this area—but he came up with an idea that would leverage the resources available in Lewis County because it has one of the longest stretches of the Ohio River of any county in Kentucky. We also have a lot of hills. You might call them mountains in Texas where you live. We call them hills and hollers where we're from.

And this MIT-trained engineer had a brilliant idea. And he took the equivalent of a dual-faced pump—and he had seen some examples done in other parts of the world—that would create a system of two lakes, and we have the Ohio River flowing in the front of this, one of the largest rivers in the country. And all it would take is channeling water, pumping it up to a lake on the top of the hill and creating in effect a self-replenishing hydroelectric generating system that would meet the hydroelectric needs for a good part of that multicounty area in addition to the current base.

It would create jobs. It would provide low-cost utilities so working families and the elderly and the poor would have access to electricity. It would be cheap. It would be an incentive for businesses to grow and for manufacturing to come into these areas because we wouldn't just do it there, we would do it all through the river basins of our Nation.

He found something out in his first impact with the regulatory framework that was done out of context. This brilliant idea that would have saved jobs and created jobs in Lewis County, Kentucky. He found out if they take water out of the Ohio River—which I must say is not one of the more pristine rivers of the country in terms of all of its accumulated detritus coming from the Allegheny and Monongahela, coming down from Pittsburgh to Cairo, Illi-

nois—the water, it would be considered dirty by our standards. But if he takes water out of the river if they have overflow from rain and wants to put it back in, the whole project was killed on one basis: That any water put back into the river had to be cleaner than drinking water under the current EPA standards.

This affects the energy industry. Coal produces almost 60 percent of power in this country. One of the issues is with stream mitigation and slurry runoff, which is a problem, but the operators of the coal mine who want to comply—and most do; they want to do the right thing. They also create jobs, and they create jobs that have an impact not simply in West Virginia, Kentucky, southern Ohio, in my part of the world. They also support jobs and manufacturing in New York and New Jersey and Pennsylvania because that electricity goes by wire to other parts of the country.

That basically creates the same standpoint. If an operator wants to clean part of the creek, the standard actually is for water that's cleaner than the water that already exists with the wildlife population that already might be there. It creates kind of an impossible situation—a double bind for anybody who wants to do business.

My request is, let's step back. Regulations like that need to be brought into context. And the place to do that is here. And I just appreciate you investing the time to make this difference, to bring this issue before the American people because it's a question of the—the one saying I heard over and over through our election is we want to take back America. What's the taking back?

Really what we're talking about is restoring a constitutional balance that will allow and assure that the elected representatives and senators of the people will ultimately be accountable for any decisions made by the executive branch.

I appreciate a chance to participate in this debate and thank you for advocating so fiercely on this issue.

Mr. CARTER. I'm glad you're here with me, and I hope you'll join me again because we're going to be talking about this a lot this year because it's something that matters to the American people. I encourage them to contact us if there are regulations that are of their lives that are driving them crazy because we want to talk about these things. And we need to get to work getting the teeth put in the previous act so we can actually get this accomplished and start fleecing out these, I would say, intrusive regulations that are costing us jobs when our job here today and every day until this country is back on its feet is to create jobs, not cost jobs.

I think it's time for me to call it a night tonight. So we're going to rein this thing in. And I thank you for joining me tonight, Mr. DAVIS, and we will visit some more.

I yield back the balance of my time.

REPORT ON RESOLUTION IN THE
MATTER OF REPRESENTATIVE
CHARLES B. RANGEL

Ms. ZOE LOFGREN of California (during the Special Order of Mr. CARTER), from the Committee on Standards of Official Conduct, submitted a privileged report (Rept. No. 111-661) on the resolution (H. Res. 1737) in the matter of Representative CHARLES B. RANGEL of New York, which was referred to the House Calendar and ordered to be printed.

PIGFORD FARMS AND
DISCRIMINATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the minority leader.

Mr. KING of Iowa. Madam Speaker, it's my privilege to be recognized to address you here on the floor of the United States House of Representatives and to take up the issues that are on my mind and the issues that I hope are on the minds of the American people, the minds of the people who are the elected leaders here in the United States Congress, and hopefully on the minds of those of us who see this American taxpayer dollar as a pretty sacred dollar that should be invested wisely and responsibly.

And there are any number of issues that can be brought up under that particular parameter. But I choose to come to the floor tonight, Madam Speaker, to talk to you about the situation of Pigford Farms.

Pigford Farms is an issue that emerged here in the United States government around about and exactly on, began I'd say in 1983, in 1983 when the United States Department of Agricultural civil rights office was closed. At that period of time, there wasn't an oversight department within the USDA that might have looked over the shoulders of our USDA employees to see if they were actually treating people equally with equal opportunity under the law, as I think everyone in this Congress will agree every American citizen deserves equal opportunity under the law. That's part of the 14th Amendment. We take an oath to uphold the Constitution that includes the 14th Amendment and equal protection under the law and provide for equal opportunity, not necessarily equality of result, but equality of opportunity.

And so I suspect that that focus under the USDA diminished somewhat or at least didn't have a check on it from 1983 on. But with the Pigford Farms issue—and this is the largest civil rights class action lawsuit in the history of America, Pigford Farms.

□ 2010

It looms over the heads of the Members of Congress here to be not what it

was just a few years ago, \$1.05 billion, not what it was when the Farm Bill passed here on the floor of the House under the direction of the chairman of the Ag Committee, COLLIN PETERSON of Minnesota, at an additional \$100 million, which was designed to be the sum total that would ever be required to sweep up any of the remnants of Pigford Farms, this civil rights case, and package it all up and make sure that people were compensated and put it behind us. No, it has reared its ugly head again, Madam Speaker. It's reared its ugly head with an issue called Pigford II.

It wasn't enough to have Pigford I. Pigford I, which emerged because I believe there was discrimination taking place within some of our USDA offices, particularly around the South, where the culture of segregation had prevailed beyond the end of the legal segregation that we had, and was still, I believe, in some of the offices manifested in the form of discrimination between the Farm Service Administration personnel. But that discrimination that then perhaps, and I think likely, and I believe did carry on through some of those years of the eighties, perhaps as far back as the seventies, but this case deals with the eighties, the eighties and the nineties.

So Pigford Farms, the chronology of it goes this way, Madam Speaker. In 1983, the United States Department of Agriculture Civil Rights Office was closed. In 1994, and this would be under Bill Clinton's administration with Dan Glickman as the Secretary of Agriculture, commissioned an accounting firm or an analysis firm to analyze the treatment of minorities and women in the Farm Service agencies throughout the United States.

The study examined the conditions from 1990 until 1995 and looked primarily at crop payments and disaster payment programs in Commodity Credit Corporations, that's CCC, loans. A final report found from 1990 until 1995, minority participation in Farm Service Administration programs was very low, and that minorities received less than their fair share of USDA money for crop payments, disaster payments, and loans.

Now, Madam Speaker, I am always suspicious of the "their fair share." I know that the word "fair" comes up in law over and over again. It comes up in many, many pieces of case law, precedent cases out there. If one would read through that case law, you will see the word "fair" over and over again. You will hear the word "fair" debated here on the House of Representatives over and over again. And whenever I hear this word "fair," didn't receive their fair share, I always cringe, because you know, we are a body that should be dealing with facts and empirical data. And the judgment should be on the facts, not the judgment of the facts.

But the word "fair" is always in the mind and the eyes of the person who utters that word "fair." And none of us

can agree on what the meaning of the word is of the word "fair." Didn't receive their fair share. Perhaps that's true. I actually believe it is true.

But Marilyn and I have raised three sons. And anybody that's raised two or more kids knows there is no such thing as fair unless it's the State Fair or the World Fair or the County Fair or a fair ball or a foul ball versus fair. But this word "fair" that's a judgment call is an amorphous word. It could be anything. It could be within the context of what was fair in 1776 doesn't fit with what was fair in 1865, doesn't fit with what was fair in 1942, and not with what's fair in 2010. It's subjective, not objective, the term "fair." And I would like to get away from using the word "fair."

But nonetheless, the data didn't support that African American farmers were engaged in the programs to a similar extent as non-African American farmers, what primarily would be white farmers. So that was the report from 1994. Two years later, actually the end of that year, 1996, December of 1996, the Secretary of Agriculture Dan Glickman ordered a suspension of government foreclosures all the way across the country pending the outcome of an investigation into racial discrimination in the United States Department of Agriculture's agency loan program. And he later announced the appointment of a USDA Civil Rights Task Force.

So under the Reagan administration the USDA Civil Rights Office was closed, 1983. Dan Glickman in 1996 reestablished a similar agency called the USDA Civil Rights Task Force. And in February of '97 that task force recommended 92 changes to address the racial bias that existed, I believe, and to the extent is negotiable or debatable as part of the USDA Civil Rights Action Plan. And while the action plan acknowledged past problems and offered solutions for the future improvements, it did not satisfy those seeking redress of past wrongs and compensation for losses suffered.

So there was a move that was made to try to alleviate the allegations of racial discrimination within the USDA. Dan Glickman stepped forward in 1996 and announced the formation of the Civil Rights Task Force. That press conference in December of 1996, Madam Speaker, was essentially the confession by the Department of Agriculture that they had engaged in racial discrimination with farm programs, crop payments, disaster payments, and loans. And this started then the litigation that was at least anticipated at the time. And this litigation began in 1997.

So in February, February 28 of '97, the Civil Rights Task Force of the USDA recommended 92 changes. And those changes were not implemented. And so in 1997, same year, the litigation against the U.S. Department of Agriculture for discrimination against African American farmers began in August of '97. Two cases. One was brought

by Timothy Pigford, *Pigford v. Glickman*. The other one was *Brewington v. Glickman*. And it dealt with the farmers from 1983 until 1997, when they applied for Federal financial help, and again by failing to investigate allegations of discrimination, the allegations of discrimination were not aggressively investigated, and those who applied for financial help often didn't get it.

But Madam Speaker, I remember those years. I remember what they were like for white farmers in my neighborhood. I remember what they were like for me. And I did business with the Farm Service Administration in some of those years that are included in these that I have noted. And I would remind the body, and yourself included, Madam Speaker, that we had a farm crisis throughout the eighties. I remember what that was like.

I can remember a booming economy in 1979, where we had more work than we could do. I was doing custom work on farms, terraces, dams, waterways, cleaning out cattle yards, shaping up, trying to improve upon what Mother Nature gave us. And in 1979, we were already watching the consolidation of farms. We were watching family farms that people were being pushed off their land, they were losing their farms, they were selling their farms. The bid was so high sometimes that they couldn't afford not to sell. Other times they didn't have the equity to be able to stand and refuse an offer. And I lived right on the line between that good land that runs out flat all the way up to Canada versus from where I live it starts running hilly all the way down through Missouri into Arkansas until you get down to the rice country in Louisiana before it flattens out. Right there on that line.

Good land, good producers to the north, they had more money and more equity in their land. It appreciated more because it produced more. And they could afford to buy that land from where I lived south in the hills and pay a pretty good price for it and fix it up. While that was going on was the beginning of the downward spiral of the farm crisis. And there was farm family after farm family.

And I remember the people, I remember the families, I remember their kids, I remember them walking the long lane to get out and get on the bus. And I remember the days that they moved to town or moved off to a city or to another State and the neighbors bought the farm and hired me or others to come in and burn the buildings and bury them and put it back to farmland. Family after family after family.

In 1979, very, very busy. In 1980, we were now down really into the meat of the farm crisis. And that went on, '79, 1980, '81, '82, '83, '84, '85. I, Madam Speaker, lived for 3½ years with a knot in my gut, not knowing if we were going to be able to make it, not knowing if I was going to be able to feed the kids. And on April 26, on Friday afternoon, at 3:00 o'clock in the afternoon,

the FDIC, the Federal Deposit Insurance Corporation, and the Iowa Highway Patrol pulled into my bank.

□ 2020

They locked the doors on the bank and stood a guard in front of that door with a red sticker on the door and it said, Banks closed by order of the FDIC.

There I was. I actually had two pennies in my pocket to rub together, two pennies only, a payroll to meet with my crew. My accounts were frozen and so were the accounts of most of my customers. We had a lot of farmers go out of business throughout the whole decade of the 1980s, Madam Speaker. A lot of them were white farmers. A lot of them didn't have a recourse. A lot of them would have liked to have had a loan from the USDA. A lot of them would have liked to have had some program benefits. A lot of them would have liked to have made what they would have considered to be a more fair shake from the board of the Farm Service Administration.

There were very tough decisions made throughout that entire decade. I remember how difficult it was to be holding some assets, equipment, a little bit of land, and watching as my customers couldn't pay me. And when they couldn't pay me, it was awfully hard for me to pay the people that had provided credit for me.

The downward spiral of that, as you see land values going down, equipment values going down, the assets even of accounts receivable going down, looking for a way out, you can't get out of a downward spiral. I watched it crush good men. I watched people whose entire identity was wrapped up in the farm that had been homesteaded by their ancestors. Some of them could hold it, but it ruined them. Others couldn't hold it, and they forever carried the guilt of that.

And this farm crisis era of the 1980s is part of the Pigford Farms issue. It's not something that can be divorced from it. And so I am convinced that there were many black farmers that lost their farms during the 1980s when the farm crisis was in a downward spiral. There were many black farmers that believed that they should have had a loan program or a commodity program, a disaster payment that they didn't get, that they believed they were discriminated against by the board of the Farm Service Administration, which, by the way, is elected by all the people that are participating in the farm programs in the county. I don't have any doubt they believe they were discriminated against. In fact, I don't doubt some of them were discriminated against. And probably in one way or another all of them that didn't get the program they asked for were discriminated against in one way or another. I don't believe they were all discriminated against on if basis of their race, although some, I believe, were.

That's the scenario of the farm crisis in the 1980s. That's the scenario by

which the issue was raised and the civil rights class action lawsuit was brought forward against the USDA, that 1997 litigation that brought about the *Pigford v. Glickman* case and the *Brewington v. Glickman* case that covered those years of 1983 until 1997.

Then in mid-November of 1997 the government agreed to mediation and to explore a settlement in Pigford. In the next month in December the parties agreed to stay the course for 6 months while mediation was pursued and settlement discussions took place. But the USDA had acknowledged past discrimination, and the Justice Department opposed blanket mediation, so they argued that the case had to be investigated separately. I would agree with that from a legal standpoint.

But a year later, a little less, October of 1998, the Court issued a ruling that certified as a class black farmers who filed discrimination complaints against the USDA for the period of time between 1983 and February 21 of 1997. And then, in April of 1999, the Court approved this consent decree.

This is Pigford I, and they set forth a revised settlement agreement of all claims raised by the class members that reviewed the claims. And that began almost immediately and the initial disbursement of checks to qualifying farmers began on November 9, 1999.

Now, this is where some of the rest of the USDA employees came in. To summarize this, Madam Speaker, it works like this. Ronald Reagan's administration shut down their USDA Civil Rights Office and, under Bill Clinton, they started a similar entity back up again. In 1994, 2 years later, Dan Glickman, the Secretary of Agriculture, essentially confessed that the USDA had been discriminating against black farmers. So he appointed a company to do an analysis of it and, over time, it devolved into the courts declaring that the black farmers that had filed the complaints were a class, a class that could be dealt with by the courts to try to get them some compensation.

And so Pigford I was born and it resulted in \$1.05 billion being distributed—now there was a couple hundred million of administrative costs that I believe are in addition to that and not part of that accounting—but roughly \$1.05 billion was distributed to farmers who, well, let me say this, African Americans who filed claims. And, in order to administer all of these claims, this massive number, over 22,000 claims, it was required of the USDA to expedite this to call from across the country their FSA county directors, Farm Service Administration county directors, to come to Washington D.C. to administer these claims, to plow through these piles of paperwork.

And so they did. And they came from many of the States and certainly they come from Iowa, we are a farm State after all. And as the FSA directors and other personnel arrived here in Washington, D.C. and began to dig down

through this paperwork, working with a lot of it by certifying it as a paperwork application and others face-to-face or over the telephone with the claimants.

Here is what came back to me. One of those individuals, and I have had anecdotes from several, but one of those individuals felt the burden of the corruption and the fraudulent claims that were coming forward in front of him, that he copied a box of applications, and a literal box of applications, which I am really sure that would not have been very constructive to him maintaining his job with the USDA.

But it bothered his conscience so much, and when he came back to Iowa, he wanted to make it a point to make sure that I knew that these applications that he was dealing with were, he believed were a minimum of 75 percent fraudulent, 75 percent fraudulent. Now if you just apply that to the \$1.05 billion in claims that were paid out, if he is right in that number, \$750 million were wasted paying people that didn't have it coming, 250 or so million dollars perhaps went to those that did have a claim that had it coming.

And these applications are quite interesting to read through them one after another, take the stack and read through them. And you will see that there also were copies of complaints that were filed about fraudulent claims. And the fraudulent claims might be, well, Johnny, yeah, he was raised on a farm but he wouldn't help his daddy. He went off to the city and became a drug addict. And when his daddy needed the help, Johnny wouldn't come and help his daddy. But now his daddy has died and Johnny wants the \$50,000 that comes from the USDA under this claim.

Pigford I was set up to do this, to pay out claims to people who met—I believe it's four criteria, and I will see, Madam Speaker, if I can remember them—people that were black, people that farmed or people that wanted to farm, those who believed they were discriminated against by the people within the FSA office, Farm Service Administration office within the counties, and those who also issued a complaint, filed a complaint in one of the criteria that's allowed under Pigford I.

This would mean that if there is an individual that, if you were back, and you wanted to farm, and you wanted to apply for a farm program, and you believed that they would not treat you fairly because of your skin color, and you complained about it to the proper authorities, that's all that's required. You didn't have to be a farmer. There actually wasn't a verification that you would be black either, but let's just presume that's the case.

So if you are an African American, and you didn't have to farm or ever farm or even know what a farm looked like, you just had to want to farm. You didn't have to know where the Farm Service Administration was, you just had to have complained that they

weren't going to treat you right and get somebody to sign an affidavit that says that, yep, Joe complained about it to the Farm Service Administration employee at a public meeting somewhere, or a Member of Congress or there are a couple of other criteria there.

And if Joe and Tom can agree to sign each other's affidavit, that's all the proof that's required. It's not proof of discrimination. It's an allegation that you believe you were discriminated against.

□ 2030

What comes out of the USDA? In Pigford I is this, and I read through form after form of these, if you are black and farmed or wanted to farm and you believed you were discriminated against and you were willing to say so on the application and you allege that you complained, even verbally, to an FSA employee, a Member of Congress, a couple other criteria, and if somebody else will attest in an affidavit that you have actually filed that complaint, that's it. There is no check on whether they have been discriminated against. The consent decree doesn't allow for verification of discrimination. It just simply pays out what they consider to be a legitimate allegation of discrimination this way, an allegation of discrimination that meets those four criteria with someone who signed the affidavit, \$50,000 essentially automatic, \$50,000 and because of the tax liability that comes with it, there's another \$12,500, Madam Speaker, that check gets cut to the IRS so that that there's not a tax liability. And if you actually happen to be a farmer and you had engaged in programs with the USDA Farm Service Administration and you say you had farm loans, program loans, a 100 percent debt forgiveness was automatic that went along with the \$50,000 payment, and another 25 percent of that, an additional 25 percent of the debt forgiveness was a check that was also written to the IRS so that the tax liability would be gone.

And Judge Paul Friedman, who approved this consent decree, wrote in his opinion that the average settlement would not be \$50,000, it would be \$187,500 because a \$50,000 check for the discrimination, or alleged discrimination, \$12,500, or an additional 25 percent to the IRS, plus Judge Friedman concluded in his calculation that the average debt to the USDA was \$100,000, that's forgiven along with another \$25,000 check for 25 percent of the debt forgiveness to the IRS. So you add those numbers up—50, 1,250, 100,000, \$187,000 was supposedly to be the average settlement in Pigford I. This all out of the pockets of the taxpayers, all without a shred of proof, just—well, I guess you could say a shred of proof because the signature on the affidavit from Joe's buddy Tom is the proof, that affidavit, and, yes, the application is filled out by the staff of a lawyer.

Well, this door was opened up in a huge yawning way. And the lawyers went to work to begin to promote this across the South, black churches, town hall meetings, fish fries, they promoted it as your 40 acres and a mule. That seems a little bit appalling, and it sounds perhaps like it's a stretch, Madam Speaker, but in reading Judge Paul Friedman's decision, it starts out with these words, and I quote, the very first words in Judge Paul Friedman's decision, and I quote, "40 acres and a mule." Forty acres and a mule.

And he goes on to lament that all of the wrongs of slavery and segregation cannot be corrected in the largest civil rights class action suit and settlement in the history of America. But he sets about to try. And that's how he comes with the \$50,000 plus the tax component of it and the \$100,000 average debt waiver plus the \$25,000 in IRS tax liability.

He also addresses the issue of some of the groups in the black farmers wanted to have an exemption from the inheritance tax, the estate tax, because they believed that the money that would come from Pigford would be a large enough sum that they wouldn't want to pay estate tax on that when they died and passed it along to the next generation. Judge Friedman, I guess that would be one part of the good judgment, concluded that that was a bridge too far. It was too much to ask for. And so, Pigford I was supposedly settled and resolved.

And before the House Judiciary Committee there was a new bill introduced for Pigford II by BOBBY SCOTT of Virginia and others, and this would be the companion, although it may not be exactly verbatim, but essentially at least the de facto companion to the bill that was introduced by then United States Senator Barack Obama.

Now figure this out, Madam Speaker. We have a very, very urban Senator, Barack Obama, who has decided he is going to run for President. And what does he do? He introduces legislation to create a whole new Pigford claim. Pigford I should have been settled. That's what the courts decided to do. Why would there be an action of a court? Why would there be a consent decree that essentially was a handshake signed off on by Dan Glickman and, well, true it was Dan Glickman and the black farmers organization, the Clinton administration, why would they sign off on all of that if it didn't end the Pigford issue? Yes, it was designed to end the Pigford claim. It was designed to package it up and put it behind us and move on.

But it didn't work that way because Barack Obama introduced—there was a statute of limitations by the way. And the statute of limitations from the opening up of Pigford I until it closed, the consent decree was approved in April 14 of 1999, and they had 6 months to file all of their claims, which would have settled that in October, I've got October 12 of 1999, and there were over 22,000 that claimed they had been discriminated against and that they had

complained about it, and they got in line for the \$50,000, plus the debt forgiveness, plus the tax liability being paid up front along with the rest, to over 22,000 almost 22,500 claims. And there must have been some paperwork glitches along the way, because over 14,000 of those were paid out, and that's the \$1.05 billion, Madam Speaker.

To pass this statute of limitations, the effort on the part of Barack Obama and BOBBY SCOTT from Virginia here in this House whom I serve with, and they introduced legislation to open up Pigford again, to disregard the statute of limitations and allow for a new sign-up period because they had accumulated some 74,000, maybe only 72, but 74,000 new names of black farmers who believed they were discriminated against who were shut out of that process on Columbus Day in 1999.

So we had hearings. They had a hearing on the bill in the House Judiciary Committee. And the hearing went along about like this, John Boyd, the president of the black farmers organization, which was formed to move forward and collect on Pigford, testified under oath before the House Judiciary Committee that there are 18,000 black farmers.

Now, if you are listening, Madam Speaker, you will have already added up that there are 94,000 claims, if you are listening, Madam Speaker, 94,000 claims. That would be 22,000 plus 72,000, 94,000 claims. John Boyd, the head of this, who has driven a tractor around Washington, D.C. and filed his claims and made this a high priority public issue, testified there were 18,000 black farmers. So how is it even if one would concede the point—and I do not for an instant, Madam Speaker, even when we concede the point that every black farmer was discriminated against, that would be 18,000 claims, not 94,000 claims. One could go back through the records and try to find the time we had the highest population of black farmers in modern record history, and we were able to go back into the 1970s and through some convoluted rationale put together some numbers that might justify twice that many, as high as 36,000. But John Boyd's under oath testimony was 18,000 black farmers, 94,000 claims.

How does that work? When I asked him the question under oath, he said, we have brothers, we have family who maybe they never saw the farm, maybe they moved off to the city, but they have a share. They have been discriminated against, too. Well, it seems to me to be a great big stretch, Madam Speaker, that we could have 18,000 black farmers and 94,000 claims.

And nobody that is advocating for the funding for Pigford can get around this, they can't get their brain around this concept that how would it be that 100 percent of the black farmers were discriminated against?

□ 2040

The data that I have seen that shows the percentage of the populations in

each of the counties where there were Pigford claims, the percentage of African Americans in those counties, the percentage of claims is directly proportional to the black population in those counties. Now, Madam Speaker, think about that. If the percentage of claims reflected the discrimination, then wouldn't it be that there would be a variance in that relationship between the black population and the black farmers, for one thing? You are not always going to have an equal between the black population and the black farmers. That is not going to be the same county to county. Some counties there is a higher percentage of farmers to black population, and some there would be less, but also, an equal distribution of claims for discrimination. Madam Speaker, I can't seem to reconcile this idea that if you look at the data, the data would show that the discrimination was equal county by county by county in nearly every county all the way across the land in proportion to the black population. How could that possibly be? And I will say it can't possibly be because I know something about the culture within the FSA offices, Farm Service Administration offices. I dealt with them on a regular basis for nearly 30 years. Here is what I know:

Each office, a county office, has its own culture. The culture of that office is sometimes shaped by the career employees that work behind the counter. A lot of times they are farmers' wives. They know nearly every farmer in the county. They know their land. They know what kind of crops they raise. They know their personalities, their idiosyncrasies, and they know how to take care of them and how to process them. And the director, the county director, is hired by the county board. The county board is elected by the people who participate in the farm programs in the county. So it is very much a reflection of the county.

Now, it could well be, and I wouldn't take issue with a statement that there likely were counties that discriminated against black farmers as a matter of practice. I actually think that happened. But I don't believe that it happened in equal proportion in every county where there were black farmers, which is what the data, what the data would indicate.

I believe that there could have been counties that discriminated against every black farmer in that county. And we know there are counties that had all black staff. It is hard to believe that they would have discriminated against every black farmer. And I am convinced there were counties that had county directors and staff people behind the counter where the culture there would not tolerate discrimination in any way, shape, or form. In fact, I believe, of all of these hundreds of counties that were involved, probably there is a full spectrum of culture within each of those counties. But there is no way I can accept the idea

that they all discriminated equally county to county across the board. There is no way I can accept that because the cultures of these counties changed.

But I will and I can get my mind around the idea that if you get enough lawyers that understand that there is a nice contingency fee for doing a little bit of work, that they can go out and promote the idea of every African American that they can convince that will fill out the forms that may have some form of a complaint or willing to file one without actually having a complaint, that they could gin this thing up, and we have the data that supports the idea that they did.

So what we have is Pigford II, a Pigford II set up, Madam Speaker, at least by the words of our Secretary of Agriculture, Tom Vilsack, by the 2008 farm bill. So when he told me that I had voted for legislation that directed him to sit down with Eric Holder and John Boyd and negotiate a settlement for opening up Pigford a second time in a settlement, it was a pretty shocking thing for me to hear. I wasn't aware that I had been complicit in facilitating what I consider to be a high percentage of billions of dollars worth of fraud here in the United States.

So I went back and I read the bill. I remember the discussion we had on the way in here with the chairman of the Agriculture Committee, COLLIN PETERSON, when they slipped in at the last minute a hundred million dollar provision in the 2008 farm bill that was designed, it was designed to fund Pigford II. Now, remember, Pigford I was done. It was packaged up. It had a limitation equivalent to a statute of limitation, a closing date, which was October 12, 1999. There were those who said that they missed their chance to sign up. They thought there was 70,000-some out there who would do that. Bobby Scott and others introduced legislation in the House; it didn't go anywhere. Barack Obama, down this hallway, introduced legislation in the United States Senate; it didn't go anywhere. Congress never acted on a willful means to open up Pigford II. It didn't happen. Congress didn't act. Congress didn't appropriate. Congress didn't authorize. Congress accepted the consent decree that closed the filing October 12 of 1999. Even though Congress didn't act, not the House, not the Senate, it still was not enough to say no to some of the people who wanted to see this happen.

The chairman of the House Ag Committee, COLLIN PETERSON, said \$100 million will close up Pigford. We need to have that provision in the farm bill. I argued that was a placeholder for \$1.3 billion. He argued back that I was completely wrong; \$100 million would settle the account and be done with it. Now, \$100 million is not loose change, Madam Speaker. It is a lot of money, but it is a whole lot less than \$1.3 billion, which I alleged would be the cost of him providing this placeholder in

the 2008 farm bill. We sharply disagreed on that.

And now I will read from the 2008 farm bill, Madam Speaker, what went into that bill, and this is the language that the Secretary of Agriculture says authorizes him to sit down with Eric Holder, the Attorney General, John Boyd, the head of the black farmers, and open up Pigford II for another \$1.15 billion.

The limitation under Pigford—and this is the 2008 farm bill, H.R. 2419 for those who are paying attention, limitation—in general and subject to paragraph 2, all payments of debt relief shall be made exclusively from funds made available under this subsection. This subsection right here, Madam Speaker, item number 2, maximum amount. The total amount of payments and debt relief pursuant to actions commenced under section B shall not exceed \$100 million.

That is consistent with what the chairman of the Ag Committee told me: \$100 million will cap the United States Government's liability to black farmers for discrimination by adding an additional \$100 million to the previous \$1.15 billion that had already been distributed, to clean up anything left out there, and here is the language that says so. This is intent language. It says it is the intent of Congress as to remedial nature of section, it is the intent of Congress that this section be liberally construed so as to effectuate its remedial purpose of giving a full determination on the merits of each Pigford claim previously denied that determination.

That means if anybody was denied a determination, even by a statute of limitation that closed this on October 12, 1999, that this \$100 million was to be the sum total that would be used to settle this issue.

The Secretary of Agriculture says this language gives him license to sit down with Eric Holder and John Boyd and put the American people in debt, because this is debt for another \$1.15 billion, without having any proof of discrimination.

Madam Speaker, I read this language and I point this out because that is why this chart is here. Subject paragraph 2: All payment or debt relief shall be made exclusively from funds made available under subsection (i). Maximum amount, \$100 million. That is what was in the farm bill of 2008. That is what was represented to me by the chairman of the Ag Committee, by Chairman PETERSON from Minnesota, who argued with me vociferously that I was wrong, that it wouldn't be \$1.3 billion; it would be \$100 million.

Now, Madam Speaker, I point out that we are looking tomorrow or the next day at \$1.15 billion coming at us down the pipe through the Rules Committee, no amendments allowed, although I have got one up there in a request, but it is not going to be allowed. They have already told me, You're wasting paper and staff time. \$100 million plus \$1.15 billion is \$1.25 billion.

□ 2050

My number was \$1.3 billion, a lot closer than this \$100 million here—a placeholder that opened the door. We have bureaucrats, Cabinet members, the Secretary of Agriculture, and the Attorney General of the United States that take it upon themselves to read license in this language to put the American people in further debt to a tune of \$1.15 billion and open this door up so that people that allege they believe they were discriminated against and allege that they filed a claim and have some friend that will sign an affidavit, will get a \$50,000 check, and the IRS gets the tax liability of \$12,500 on top of that. And by the way, if they have any USDA FSA debt, that is all forgiven, and the taxes are paid on it, and they are unhappy because they don't get a State tax waiver on these particular assets. This is what's happening.

We've got to stand up at some point and say we're not going to pay slavery reparations in the United States Congress. That war has been fought. That was over a century ago. That debt was paid for in blood—it was paid for in the blood of a lot of Yankees especially—and there are no reparations for the blood that paid for the sin of slavery. No one is filing that claim. They're just filing claims because they think they can get away with it and because they believe they understand, probably appropriately, that not a lot of Members of Congress want to stand and fight that battle. Well, it's a matter of justice and equity. It's a matter of needing to look into this and of needing to bring the facts out.

Madam Speaker, I want to make sure that the Members of this Congress know what they will be voting on tomorrow. I will be voting "no." I will be voting "no" because there is no justice in this decision. This is something of which there is no court decision that enables it. There is no legal authorization that provides for it. There is no directive from Congress that directs the Secretary of Agriculture or the Attorney General to enter into any kind of an agreement. There is no court agreement. The court hasn't approved this. They sat around a table, wrote up a document and apparently shook hands. I don't even know if they shook hands.

This document said that if Congress authorized or appropriated the money by March 31 of 2010, then they would have an agreement that would bind the black farmers and, if that day went by, then they wouldn't be bound. That's what has happened. If government can sit down and decide to pay reparations with money borrowed from the Chinese, this government is still in free fall. We've got to fix it, and we've got to arrest it.

One of the people who is here to arrest the free fall in the United States Congress is my good friend, the gentle lady from Minnesota, who can withstand anything they throw at her, MICHELE BACHMANN, to whom I would

yield as much time as she may consume.

Mrs. BACHMANN. I want to thank the gentleman from Iowa, STEVE KING.

It was some months ago when STEVE KING had first told me about the situation with Pigford. He has been investigating and looking into this matter for probably about 3 years now. He is very interestingly situated by having a seat on both the Judiciary Committee and the Agriculture Committee, and both of those committees have something to do with this case.

I want to go back to basics for just a moment, if I can, because, as Congressman KING was giving me details about this case, on every level, it just didn't add up. He had talked a little bit about the reparations angle, and that, of course, was an opinion that was written by Judge Friedman in the very first class certification case with Pigford, Pigford I. That was about \$1 billion of tax money that went out to the claimants.

This is now a situation called Pigford II. As Congressman KING rightly said, there is no judgment. This is simply something negotiated around a table with, I believe, Attorney General Eric Holder and, I believe, with Tom Vilsack, Ag Secretary. They got together and came up with an agreement. They came up with this settlement, but here is part of the problem.

I am a former Federal tax litigation attorney, Madam Speaker. In that capacity, when I was working as a Federal tax lawyer, we had to refer to something as our standard of measurement. We would use the Bureau of Labor Statistics. Well, according to the Bureau of Labor Statistics, in the years in question, the maximum number of black farmers in the entire period for which we were talking about giving people money for alleged discrimination claims was about 33,000 black farmers. Now, there is dispute that even that number is egregiously high, 33,000. Well, in the Pigford I settlement, there has already been \$1 billion that has been paid out. The estimate is something like 15,000 to 18,000 claims that have already been paid out.

So here is the situation: Under Pigford II, we now have new claimants who have come to the fore who have said they want to have money, too. Well, just think. If the entire universe of black farmers is 33,000, today we have 94,000 claimants asking for money in order to be made whole.

How does this make sense? If you have a total universe of 33,000 black farmers, how can you possibly have 94,000 claimants?

You'd have to presume that every black farmer in the United States applied for a loan to the U.S. Department of Agriculture. That's almost statistically impossible. Then you'd have to assume that every black farmer who applied for a loan qualified for that loan. That would also be a statistical improbability. Then you'd have to assume that every black farmer in the

United States who applied for a loan was qualified and that they were turned down for their loans. As to every single black farmer, not one would have been given a loan. Then you'd have to presume that every single black farmer in the country applied for a loan, that they qualified and that they were turned down. Then you'd also have to assume that every one of them was turned down because they were discriminated against.

This is unbelievable. Even if you believe all of that, we still have 60,000 too many claimants than there were black farmers. The numbers just bespeak obvious fraud in this situation. So the taxpayers are supposed to pay out another \$1.15 billion? It doesn't make sense.

Remember, what we would have to talk about is that every black farmer in the United States would have had to apply for a loan and would have had to been turned down because of obvious discrimination.

What's even more bizarre is that after all of this terrible discrimination that has been alleged, after the \$1 billion that has been paid out and after the \$1.15 billion that Speaker PELOSI wants to pay out this week—after all that and after all of this discrimination at the USDA, there isn't even one employee who has been fired, who has been suspended, who has paid a fine or who has been reprimanded. We can't find evidence of even one. In fact, just the opposite is true.

There are whistleblowers who have come forward from the department who have been willing to testify privately that there is obvious fraud that's going on right now. So it really begs the question: Why have the settlement? Why pay out 94,000 claimants when there is only a total universe of maybe 33,000 black farmers? Why is that? What's going on?

In an article that just came out last week in the Associated Press, the reporter wrote that, once this claim is satisfied of \$1.15 billion for Pigford II, the next claimants are already in the queue. They're the Hispanic farmers who allege they've been discriminated against, and they're the women farmers who allege they've been discriminated against. If that's the case, why is the United States Department of Agriculture even allowed to be in business anymore if they have this blatant level of bigotry and discrimination going on? Why haven't they been fired?

I think what we need to have—and I believe that this is something in the future that Congress needs to do because it's certainly not happening today, Madam Speaker, under the headship of Speaker NANCY PELOSI. What we need to have is a very thorough review of every single claim that's going out the door, because these payments are going out in the form of \$50,000 payments per claimant, tax free.

□ 2100

So not only do they not pay the taxes, we the taxpayers are paying the

taxes for the claimants. We're paying a payment of \$12,500 to the IRS on behalf of each claimant. So the claimant will get \$50,000 tax free, and we the taxpayers will even pay their tax bill for them. And what's worse, we will even wipe off the books any outstanding loans that they have on their farm property. Everybody's going to want to know where to go to sign up for this deal. Who wouldn't want to do that? You have farmers all across the country right now that are trying to make ends meet, and meanwhile they have to watch this spectacle go on at the USDA.

Every single claimant needs to be fully investigated. Not one check should go out the door if it's not warranted. No one disagrees that if the USDA did something wrong and if they acted in a discriminatory manner, the people should be allowed to be made whole. Everyone agrees. But I would be the first person to stand on this floor of the House of Representatives and say if that is the case, then each of these USDA employees should be, at minimum—at minimum—written up in their personnel file, reprimanded, fined, and most likely fired if they're causing the taxpayers to have to pay out what would add up to be over \$2 billion. We are here talking about, in these weeks, what can we do to cut the budget. I think this is the perfect place to start here in Pigford when we're paying out 94,000 claimants when there is a total universe of 33,000.

I want to thank my dear colleague from Iowa, Representative STEVE KING, for being on this issue and dogging this issue for 3 years. And now here we are coming to the climax. We are about to see another \$1.15 billion about to go out the door, \$1.15 billion that we don't have, which my colleague rightly said we will have to go to China and borrow and our children will have to get second and third jobs to pay back. This is just flat out wrong. Can we say it? Can we be gutsy enough on the floor of this House of Representatives to say this is pure and complete fraud that is about to be voted on this week. It's wrong, and it's got to stop.

And I want to encourage any of my colleagues on either side of the aisle, vote "no" on this bill. I will be voting "no." Representative KING said he will be voting "no" because this will be a vote that I guarantee will haunt Members of Congress in the future if they vote "yes" because of the obvious fraud that will very soon be discovered and played out for the American people to see.

I yield to my distinguished colleague from Iowa.

Mr. KING of Iowa. Reclaiming my time and thanking the gentlelady from Minnesota for coming to the floor to add to this discussion, I happened to have clicked on YouTube on the Internet, I did a little search today because I wanted to see what I could find on Timothy Pigford, who is the lead plaintiff in Pigford Farms v. the USDA. It is

a video of Timothy Pigford sitting there telling his story, but then he goes on to say that he's hopeful that, first, that they all get paid; second, that it lays the foundation so that the Hispanics, the Native Americans and the women farmers all get paid, too.

So when I listen to that I think, what is the motive for this? Do you really believe that there isn't any place in America where people who are listed in his list of minorities get a fair shake? Not one place, not one county, not one FSA director, not one staff that sits behind the counter and says this is the right thing to do, we're going to treat everybody as if they're equal in our eyes just like we're all equal under the eyes of God? Doesn't that happen in one single county in America somewhere? They would deny it, Madam Speaker. They would deny that Americans can be nondiscriminating and understand this equal opportunity and equal justice under the law concept. And to have this kind of pressing that comes on from Timothy Pigford and a number of the other personalities involved here, this system—and there are a good number of African American farmers that filed their complaints, they complain that it has distorted their reputation. They may have a legitimate claim that wasn't settled adequately, and because this has been a full court press at all on, pushed by lawyers in bow ties from the Northeast and sold in the South and marketed as your 40 acres and a mule, this has damaged the legitimate black farmers.

I can't think of a more honorable profession than raising food out of this soil. I can't think of a more honorable profession than sometimes bending over and getting dirty and being out in the weather—in all kinds of weather, the summer and winter, rain and storm, out there having your roots go into the soil. Nothing makes you more rooted to America than being rooted in the soil. And I applaud every farmer, black or white or Native American or women or Hispanics, whatever they might be. It's a hard way to make a living, but there is a certain honor and glory to it that can't be replicated anywhere else. It builds character and it builds honor, and they are being besmirched by this broader effort here.

We need to say "no" tomorrow to the Pigford Farms funding that's coming, "no" because it wasn't authorized by the United States Congress. There wasn't even a head fake—to use something that might be the President's language—from Congress that said Secretary of Agriculture and the Attorney General, why don't you see if you can sit down with the head of the black farmers who formed the organization for the purposes of pressing the taxpayers for money—I don't think in the beginning he really thought we were going to borrow it all from the Chinese, but there is no directive on the part of Congress. Congress said, even though I disagreed with it, that \$100 million would cap this, it puts an end to it, and

anybody that didn't have their case resolved in Pigford I would be resolved here under the 2008 farm bill. But Tom Vilsack took license and sat down with Eric Holder, and they're poised tomorrow to stick the taxpayers for another \$1.15 billion, Madam Speaker. And it's time the American people said enough. This election was about debt and deficit and jobs and the economy, and we have to have the will to say "no" and draw a bright line. And there isn't guilt on the part of this country that should cause us—it can't be assuaged anyway by borrowing money and paying out people that don't have it coming. We want to make sure we make those people whole who were discriminated against.

I want to look into this deeply. I want to follow the money. I want to track and sort the applications, put them all on a big spreadsheet and see what the data indicates. And I think we will find that there is a massive amount of fraud. And we may lose this vote tomorrow, Madam Speaker, we may lose it. And if we lose this vote tomorrow, it still calls upon us to shed sunlight on this issue so the American people know what happened so that we don't do it again, so that we don't queue this up to go down the list of the other minorities—the Hispanics, the women, the Native Americans, and so on.

So I come to speak of the Pigford Farms issue, which I am completely convinced has far more fraud in it than it has legitimate claims, and that the American people deserve equal justice under the law, and if they have a legitimate claim it should be able to withstand the scrutiny.

I stand in opposition to the funding of Pigford II and the people that perpetrated it, Madam Speaker.

I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. GINNY BROWN-WAITE of Florida (at the request of Mr. BOEHNER) for today and November 30 on account of family medical reasons.

Mr. BURTON of Indiana (at the request of Mr. BOEHNER) for today on account of personal reasons.

Mr. DEFAZIO (at the request of Mr. HOYER) for today and the balance of the week.

Mr. GERLACH (at the request of Mr. BOEHNER) for today on account of attending a funeral of a fallen soldier from his district.

Ms. KILPATRICK of Michigan (at the request of Mr. HOYER) for today.

Mr. WU (at the request of Mr. HOYER) for today.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

(The following Members (at the request of Mr. LINCOLN DIAZ-BALART of Florida) to revise and extend their remarks and include extraneous material:)

Mr. JONES, for 5 minutes, today, November 30, December 1, 2, 3, and 6.

Mr. POE of Texas, for 5 minutes, today, November 30, December 1, 2, 3, and 6.

Mr. GARRETT of New Jersey, for 5 minutes, today, November 30, December 1, 2, and 3.

Mr. BURTON of Indiana, for 5 minutes, today, November 30, December 1, 2, and 3.

Mr. MORAN of Kansas, for 5 minutes, December 1, 2, 3, and 6.

Mr. LINCOLN DIAZ-BALART of Florida, for 5 minutes, today, November 30, December 1, 2, and 3.

Ms. ROS-LEHTINEN, for 5 minutes, today, November 30, December 1, 2, and 3.

Mr. GRAVES of Georgia, for 5 minutes, today.

SENATE BILLS AND CONCURRENT RESOLUTIONS REFERRED

Bills and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1609. An act to authorize a single fisheries cooperative for the Bering Sea Aleutian Islands longline catcher processor subsector, and for other purposes; to the Committee on Natural Resources.

S. 3650. An act to amend chapter 21 of title 5, United States Code, to provide that fathers of certain permanently disabled or deceased veterans shall be included with mothers of such veterans as preference eligibles for treatment in the civil service; to the Committee on Oversight and Government Reform.

S. Con. Res. 75. Concurrent Resolution authorizing the use of the rotunda of the Capitol for an event marking the 50th anniversary of the inaugural address of President John F. Kennedy; to the Committee on House Administration.

S. Con. Res. 76. Concurrent Resolution to recognize and honor the commitment and sacrifices of military families of the United States; to the Committee on Armed Services.

ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1722. An act to require the head of each executive agency to establish and implement a policy under which employees shall be authorized to telework, and for other purposes.

H.R. 5566. An act to amend title 18, United States Code, to prohibit interstate commerce in animal crush videos, and for other purposes.

H.R. 5712. An act entitled the Physician Payment and Therapy Relief Act of 2010.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 1376. An act to restore immunization and sibling age exemptions for children adopted by United States citizens under the Hague convention on Intercountry Adoption to allow their admission into the United States.

S. 3567. An act to designate the facility of the United States Postal Service located at 100 Broadway in Lynbrook, New York, as the "Navy Corpsman Jeffrey L. Wiener Post Office Building".

S. 3689. An act to clarify, improve, and correct the laws relating to copyrights, and for other purposes.

S. 3774. An act to extend the deadline for Social Services Block Grant expenditures of supplemental funds appropriated following disasters occurring in 2008.

S.J. Res. 40. Appointing the day for the convening of the first session of the One Hundred Twelfth Congress.

ADJOURNMENT

Mr. KING of Iowa. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 8 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, November 30, 2010, at 10:30 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

10419. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's "Major" final rule — Biomass Crop Assistance Program (RIN: 0560-AH92) received November 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10420. A letter from the Director, Program Development & Regulatory Analysis, Rural Utilities Service, transmitting the Department's final rule — Specifications and Drawings for Construction of Direct Buried Plant received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10421. A letter from the Acting Under Secretary, Department of Defense, transmitting Selected Acquisition Reports (SARs) for the September 2010 reporting period pursuant to section 2432, Title 10 United States Code; to the Committee on Armed Services.

10422. A letter from the Assistant to the Board, Federal Reserve System, transmitting the System's "Major" final rule — Truth in Lending [Regulation Z; Docket No: R-1384] received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10423. A letter from the Assistant to the Board, Federal Reserve System, transmitting the System's "Major" final rule — Electronic Fund Transfers [Regulation E; Docket No. R-1377] received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10424. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule — Risk Management Controls for Brokers or Dealers with Market Access [Release No.: 34-63241; File No.: S7-03-10] (RIN: 3235-AK53) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10425. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule — Regulation SHO [Release No.: 34-63247; File No.: S7-08-09] (RIN: 3235-AK35) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10426. A letter from the Assistant General Counsel for Regulatory Services, Office of the General Counsel, Department of Education, transmitting the Department's "Major" final rule — Program Integrity Issues [Docket ID: ED-2010-OPE-0004] (RIN: 1840-AD02) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

10427. A letter from the Assistant General Counsel for Regulatory Services, Office of the General Counsel, Department of Education, transmitting the Department's final rule — Program Integrity: Gainful Employment — New Programs [Docket ID: ED-2010-OPE-0012] (RIN: 1840-AD04) received November 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

10428. A letter from the Assistant General Counsel for Regulatory Services, Office of the General Counsel, Department of Education, transmitting the Department's final rule — Foreign Institutions-Federal Student Aid Programs [Docket ID: ED-2010-OPE-0009] (RIN: 1840-AD03) received November 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

10429. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's "Major" final rule — Fiduciary Requirements for Disclosure in Participant-Directed Individual Account Plans (RIN: 1210-AB07) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

10430. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — State Systems Advance Planning Document (ADP) Process (RIN: 0970-AC33) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10431. A letter from the Principal Deputy General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Credit Reforms in Organized Wholesale Electric Markets [Docket No.: RM10-13-000; Order No. 741] received October 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10432. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting notification of an Accountability Review Board to examine the facts and the circumstances of the loss of life at a U.S. mission abroad and to report and make recommendations, pursuant to 22 U.S.C. 4834(d)(1); to the Committee on Foreign Affairs.

10433. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-49, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

10434. A letter from the Acting Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-24, pursuant to the reporting requirements of Sec-

tion 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

10435. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-0A, pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

10436. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-38, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

10437. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-50, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

10438. A letter from the Assistant Secretary of State for Political-Military Affairs, Department of State, transmitting a report pursuant to Section 201 of Public Law 110-429; to the Committee on Foreign Affairs.

10439. A letter from the Inspector General, Department of Transportation, transmitting the Semiannual Report of the Office of Inspector General for the period ending March 31, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

10440. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-564, "Randall School Disposition Restatement Temporary Act of 2010"; to the Committee on Oversight and Government Reform.

10441. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-565, "Office of Cable Television Property Acquisition and Special Purpose Revenue Reprogramming Temporary Act of 2010"; to the Committee on Oversight and Government Reform.

10442. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-566, "Automated Traffic Enforcement Fund Temporary Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

10443. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-567, "University of the District of Columbia Board of Trustees Quorum and Contracting Reform Temporary Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

10444. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-568, "Budget Support Act Clarification and Technical Amendment Temporary Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

10445. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-594, "Expanding Access to Juvenile Records Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

10446. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled "Comparative Analysis of Actual Cash Collections to the Revised Revenue Estimate Through the 3rd Quarter of Fiscal Year 2009", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

10447. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled "Comparative Analysis of Actual

Cash Collections to the Revised Revenue Estimate Through the 4th Quarter of Fiscal Year 2009", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

10448. A letter from the Acting Director, Office of Financial Management, United States Capitol Police, transmitting Statement Of Disbursements Of The U.S. Capitol Police For The Period April 1, 2010 through September 30, 2010, pursuant to Public Law 109-55, section 1005; (H. Doc. No. 111—155); to the Committee on House Administration and ordered to be printed.

10449. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Total Allowable Catch Harvested for Management Area 1B [Docket No.: 0907301205-0289-02] (RIN: 0648-XZ00) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10450. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No.: 010131362-0087-02] (RIN: 0648-XZ13) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10451. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XZ06) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10452. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fisheries; Adjustment to Fishing Year 2010 Georges Bank Yellowtail Flounder Total Allowable Catch [Docket No.: 0910051338-0403-04] (RIN: 0648-AY29) received October 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10453. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Limited Access for Guided Sport Charter Vessels in Alaska [Docket No.: 100503209-0430-02] (RIN: 0648-AY85) received October 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10454. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Crab and Halibut Prohibited Species Catch Allowances in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0910131363-0087-02] (RIN: 0648-XZ08) received October 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10455. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska [Docket No.:

0910131362-0087-02] (RIN: 0648-XZ04) received October 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10456. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; North and South Atlantic Swordfish Quotas [Docket No.: 100315147-0403-02] (RIN: 0648-XV31) received October 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10457. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Billfish Management, White Marlin (*Kajikia albidus*), Roundscale Speafish (*Tetrapturus georgii*) [Docket No.: 100729315-0331-01] (RIN: 0648-BA12) received October 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10458. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XZ05) received October 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10459. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; VERMILION 380A at Block 380 Outer Continental Shelf Fixed Platform in the Gulf of Mexico [Docket No.: USCG-2010-0857] (RIN: 1625-AA00) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10460. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Diego Harbor Shark Fest Swim; San Diego Bay, San Diego, CA [Docket No.: USCG-2010-0462] (RIN: 1625-AA00) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10461. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations, Sabine River; Orange, TX [Docket No.: USCG-2010-0518] (RIN: 1625-AA08) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10462. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments, Sector Columbia River; Correction [Docket No.: USCG-2010-0351] (RIN: 1625-ZA25) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10463. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; NASSCO Launching of USNS Washington Chambers, San Diego Bay, San Diego, CA [Docket No.: USCG-2010-0728] (RIN: 1625-AA00) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10464. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone, Mackinac Bridge, Straits of Mackinac, Michigan [Docket No.: USCG-2010-0790] re-

ceived October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10465. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Displays, Potomac River, National Harbor, MD [Docket No.: USCG-2010-0776] (RIN: 1625-AA00) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10466. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mississippi River, Mile 212.0 to 214.5 [Docket No.: USCG-2010-0576] (RIN: 1625-AA00) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10467. A letter from the Regulations Officer, FHWA, Department of Transportation, transmitting the Department's "Major" final rule — Real-Time System Management Information Program (RIN: 2125-AF19) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10468. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Inflation Adjusted Items for 2011 (Rev. Pro. 2010-40) received November 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10469. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of tax liability (Rev. Proc. 2010-29) received November 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERLMUTTER: Committee on Rules. House Resolution 1736. Resolution providing for consideration of the Senate amendments to the bill (H.R. 4783) to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Chile, and to extend the period from which such contributions for the relief of victims of the earthquake in Haiti may be accelerated (Rept. 111-660). Referred to the House Calendar.

Ms. ZOE LOFGREN: Committee on Standards of Official Conduct. House Resolution 1737. Resolution in the matter of Representative CHARLES B. RANGEL (Rept. 111-661). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

[Omitted from the Record of November 15, 2010]

Pursuant to clause 2 of rule XIII the Committee on Science and Technology discharged from further consideration. H.R. 1997 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

[The following action occurred on November 19, 2010]

Pursuant to clause 2 of rule XIII the Committee on the Judiciary discharged from further consideration of H.R. 2267.

TIME LIMITATION OF REFERRED BILL PURSUANT TO RULE XII

[The following action occurred on November 19, 2010]

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2267. Referral to the Committee on Energy and Commerce extended for a period ending not later than November 30, 2010.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. KIRK:

H.R. 6448. A bill to establish the Grace Commission II to review and make recommendations regarding cost control in the Federal Government, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ACKERMAN:

H.R. 6449. A bill to repeal provisions of the recently enacted health care reform law that prohibit preexisting condition exclusions or other discrimination based on health status for adults; to the Committee on Energy and Commerce.

By Mr. ACKERMAN:

H.R. 6450. A bill to repeal provisions of the recently enacted health care reform law that require the extension of dependent coverage to adult children under age 26; to the Committee on Energy and Commerce.

By Mr. ACKERMAN:

H.R. 6451. A bill to repeal provisions of the recently enacted health care reform law that prohibit preexisting condition exclusions or other discrimination based on health status for children; to the Committee on Energy and Commerce.

By Mr. ACKERMAN:

H.R. 6452. A bill to repeal provisions of the recently enacted health care reform law that prohibit the establishment of annual limits on health benefits; to the Committee on Energy and Commerce.

By Mr. ACKERMAN:

H.R. 6453. A bill to repeal provisions of the recently enacted health care reform law that prohibit the establishment of lifetime limits on health benefits; to the Committee on Energy and Commerce.

By Mr. ACKERMAN:

H.R. 6454. A bill to repeal provisions of the recently enacted health care reform law that prohibit health coverage rescissions; to the Committee on Energy and Commerce.

By Mr. FATTAH:

H.R. 6455. A bill to amend the Internal Revenue Code of 1986 to permanently extend the American opportunity tax credit increases made to the Hope Scholarship Credit; to the Committee on Ways and Means.

By Ms. KAPTUR (for herself, Mr. VISCLOSKEY, Mr. GRIJALVA, Mr. CONYERS, Ms. HIRONO, Mr. STARK, Ms. WOOLSEY, Ms. BALDWIN, and Ms. CASTOR of Florida):

H.R. 6456. A bill to authorize the President to reestablish the Civilian Conservation Corps as a means of providing gainful employment to unemployed and underemployed citizens of the United States through the performance of useful public work, and for other purposes; to the Committee on Education and Labor.

By Mr. McDERMOTT:

H.R. 6457. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income distributions from individual retirement plans during periods of unemployment in 2009, 2010, and 2011; to the Committee on Ways and Means.

By Mr. McDERMOTT (for himself, Mr. WEINER, Mr. HASTINGS of Florida, Ms. LINDA T. SÁNCHEZ of California, Mr. RANGEL, Mr. MORAN of Virginia, Mr. CARNAHAN, and Mr. FARR):

H.R. 6458. A bill to amend the Internal Revenue Code of 1986 to require that the Secretary of the Treasury provide a Tax Receipt to each taxpayer who files a Federal income tax return; to the Committee on Ways and Means.

By Mr. CARTER:

H.J. Res. 100. A joint resolution disapproving a rule submitted by the Environmental Protection Agency relating to the National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants; to the Committee on Energy and Commerce.

By Mr. POE of Texas (for himself, Ms. BERKLEY, Ms. ROS-LEHTINEN, Mr. WEINER, Mr. BURTON of Indiana, and Mr. ACKERMAN):

H. Res. 1734. A resolution reaffirming Congressional opposition to the unilateral declaration of a Palestinian state, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BERMAN (for himself, Ms. ROS-LEHTINEN, Mr. FALEOMAVAEGA, Mr. MANZULLO, Mr. DJOU, Mr. SCOTT of Georgia, Mr. MCMAHON, Mr. LARSEN of Washington, Ms. BORDALLO, Mr. LAMBORN, Mr. ENGEL, Mr. BURTON of Indiana, Mr. DEUTCH, Ms. BERKLEY, Mr. CONNOLLY of Virginia, and Mr. SMITH of New Jersey):

H. Res. 1735. A resolution condemning North Korea in the strongest terms for its unprovoked military attack against South Korea on November 23, 2010; to the Committee on Foreign Affairs.

By Mr. BURTON of Indiana (for himself, Mr. ROHRBACHER, Mr. POE of Texas, Mr. PIERLUISI, Ms. BORDALLO, Mr. PAYNE, Ms. BERKLEY, Mr. GINGREY of Georgia, Mr. WU, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CONNOLLY of Virginia, Ms. JACKSON LEE of Texas, Mr. MARIO DIAZ-BALART of Florida, and Mr. FALEOMAVAEGA):

H. Res. 1738. A resolution expressing condolences to the people and Government of the Republic of China (Taiwan) and the people

and Government of the Republic of the Philippines in the aftermath of Super Typhoon Megi which struck in October 2010; to the Committee on Foreign Affairs.

By Mr. HASTINGS of Florida (for himself and Ms. BORDALLO):

H. Res. 1739. A resolution expressing support for the Republic of India to gain a permanent seat on the United Nations Security Council; to the Committee on Foreign Affairs.

By Mr. LATTA (for himself, Mr. HUNTER, Mr. WILSON of South Carolina, Mr. MILLER of Florida, Mr. LOBIONDO, Mr. ROGERS of Alabama, Mr. COURTNEY, Mr. MORAN of Virginia, Mr. HOLDEN, Mrs. BLACKBURN, Mr. LATHAM, Mr. CALVERT, Mr. BRADY of Pennsylvania, Mrs. CHRISTENSEN, Mr. BOREN, Mr. LOEBSACK, Mr. PETERS, Mr. BISHOP of Georgia, Mr. HARPER, Mr. BLUNT, Mr. WU, Mr. PAULSEN, Mr. WOLF, Ms. CORRINE BROWN of Florida, Mr. DICKS, Mr. CONAWAY, Mr. SCHOCK, Mr. BOSWELL, Mr. REHBERG, Mr. WELCH, Mr. LATOURETTE, Ms. JENKINS, Mr. HOLT, Ms. GIFFORDS, Mr. PITTS, Ms. MCCOLLUM, Mr. COSTELLO, Mr. CARSON of Indiana, Mr. JOHNSON of Georgia, Mr. WITTMAN, Mr. TONKO, Mr. GORDON of Tennessee, Ms. NORTON, Ms. TSONGAS, Mrs. McMORRIS RODGERS, Mr. LEE of New York, Mr. KISSELL, Mr. TURNER, Mr. KLINE of Minnesota, Mrs. MYRICK, Mr. FRANKS of Arizona, Mr. AKIN, Mr. FORBES, Mr. ROONEY, Mr. JONES, Mr. LAMBORN, and Mr. DONNELLY of Indiana):

H. Res. 1740. A resolution recognizing and honoring the National Guard on the occasion of its 374th anniversary; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 240: Mrs. BLACKBURN.
H.R. 745: Mrs. McMORRIS RODGERS.
H.R. 1625: Mr. SMITH of New Jersey.
H.R. 1718: Mr. McDERMOTT.
H.R. 1751: Mr. SHERMAN, Mr. GRAYSON, and Mr. ANDREWS.
H.R. 1990: Mr. ROGERS of Kentucky.
H.R. 2254: Mr. REICHERT and Ms. HIRONO.
H.R. 2414: Mr. GRAYSON and Mr. LEVIN.
H.R. 2538: Mr. DREIER.
H.R. 2766: Mr. FARR.
H.R. 2855: Ms. NORTON.
H.R. 3302: Mr. INSLEE.

H.R. 3668: Ms. CLARKE.
H.R. 3734: Ms. HIRONO.
H.R. 3765: Mr. CARTER.
H.R. 3907: Mr. LANGEVIN and Ms. NORTON.
H.R. 4363: Mr. BERMAN.
H.R. 4756: Ms. TSONGAS.
H.R. 4806: Ms. TSONGAS.
H.R. 4986: Mr. ACKERMAN.
H.R. 5028: Mr. AL GREEN of Texas, Ms. WOOLSEY, and Mr. HOLT.
H.R. 5137: Mr. OLVER.
H.R. 5376: Ms. HIRONO.
H.R. 5460: Mr. DAVIS of Illinois.
H.R. 5939: Mr. MELANCON and Mr. CUELLAR.
H.R. 5976: Ms. LINDA T. SÁNCHEZ of California.
H.R. 6036: Mr. COHEN.
H.R. 6045: Ms. CLARKE.
H.R. 6123: Mr. CRITZ and Mr. HINCHEY.
H.R. 6128: Mr. SCHRADER, Mr. CARNAHAN, and Mr. DEFazio.
H.R. 6184: Ms. WOOLSEY.
H.R. 6282: Ms. SCHAKOWSKY.
H.R. 6308: Mr. HOLT.
H.R. 6332: Mr. ROGERS of Alabama.
H.R. 6403: Mr. DREIER, Mr. SENSENBRENNER, and Mr. REED.
H.R. 6427: Mr. LEWIS of Georgia, Ms. MATSUI, and Ms. BERKLEY.
H.R. 6437: Mr. FARR.
H. Con. Res. 323: Mr. POLIS, Ms. GIFFORDS, Mr. SHERMAN, Mr. MCGOVERN, Mr. COHEN, Ms. CLARKE, Mr. LEVIN, Mr. KUCINICH, Ms. TITUS, Mr. TONKO, Mr. BACA, Mr. LINCOLN DIAZ-BALART of Florida, Mr. HARE, Mr. VAN HOLLEN, Mr. COURTNEY, Mr. SCHIFF, Mr. QUIGLEY Mrs. McMORRIS RODGERS, Ms. RICHARDSON, Mr. LANCE, Mr. PETERS, Mr. CROWLEY, Mr. LANGEVIN, Mr. MURPHY of Connecticut, Mr. MARKEY of Massachusetts, and Mr. SIRES.
H. Res. 20: Mr. WAMP.
H. Res. 764: Mr. CAPUANO, Ms. JACKSON LEE of Texas, and Mr. TIERNEY.
H. Res. 1264: Ms. TSONGAS, Mr. LEWIS of Georgia, and Mr. POMEROY.
H. Res. 1402: Mr. MCGOVERN and Mr. POMEROY.
H. Res. 1431: Ms. MATSUI.
H. Res. 1476: Mr. PAYNE.
H. Res. 1498: Mrs. BACHMANN.
H. Res. 1531: Ms. GRANGER.
H. Res. 1585: Mr. BOUCHER, Mrs. DAVIS of California, Ms. LORETTA SANCHEZ of California, Mr. THOMPSON of California, Mr. SHERMAN, Mr. LOEBSACK, Mr. SMITH of Washington, Mr. KISSELL, Mr. COURTNEY, Mr. BOREN, Mr. ISRAEL, Mr. ROGERS of Alabama, Mr. REYES, Mr. WILSON of South Carolina, Mr. BOSWELL, and Mr. HEINRICH.
H. Res. 1644: Mr. SHERMAN and Ms. SUTTON.
H. Res. 1690: Ms. BORDALLO.